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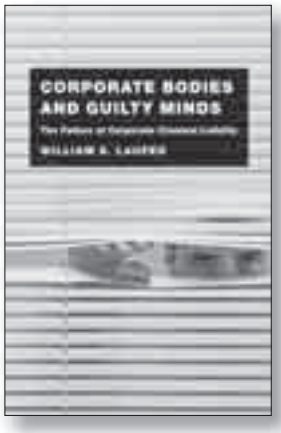

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Letters

Mouths Water. Earth Smiles.

Orient, N.Y.
As founders of the Eastern Long Island chapter of Slow Food, we were pleased to read Eric Schlosser's "Slow Food for Thought" [Sept. 22]. We are fortunate to live in an area where sustainable and fair agriculture and mariculture are thriving. Our farms and vineyards are small, family owned and operated; the workers are well paid, and their labor is valued. Local eggs, cheese, mushrooms, ducks, chickens, bison and venison are readily available. Oyster farmers, baymen, lobstermen and fishermen sell their seafood to an eager market. Wendell Berry's maxim "Eating is an agricultural act" is our mantra. We were devotees of slow food before we ever heard of it. We believe eating well is the cheapest luxury.

If, in fact, Patrick Holden's prediction that industrial agriculture is consigned to the dustbin of history because of the cost of fossil fuels comes true, the fairness issue will have a better chance of being resolved. We can slay the beast by starvation rather than by a head-on confrontation.
Mary & Tom Morgan

Laytonville, Calif.
With the looming collapse of civilization, thanks to corporate greed draining all that is animal, vegetable and mineral—bringing on peak oil and global warming—there is a grassroots movement afoot relearning how to feed ourselves and use plants to heal the earth when the trucks stop delivering to Safeway and the gas pumps are empty. It is just as easy to grow an heirloom tomato as a hybrid.
Patricia Kovner

Israel @ 60

Unlike the mail we customarily receive on our coverage of Israel/Palestine issues ("anti-Semites!" "mouthpiece of Hamas!" "terrorists!"), most comments on Eric Alterman's "Israel at 60" [Sept. 22] were of a different sort ("Zionist propaganda that would make Elie Wiesel proud," "who owns The Nation*? AIPAC!). Herewith a sample.*

letters@thenation.com

Brooklyn, N.Y.
Congratulations on Eric Alterman's "Israel at 60": it was well reported (I learned something), lucidly argued and full of empathy and political realism. It was also a refreshing departure from the naïve, reflexive Israel-bashing that characterizes so much of the left press—including, frankly, *The Nation*. Alterman did a great job; I hope this signals a change of direction for the magazine.
Susie Linfield

Newton, Mass.
In "Israel at 60," Eric Alterman—ordinarily so astute at unmasking the hidden conservatism of the mainstream media—fails to ask his respondents tough questions. Initially, the piece appears to be innocent enumeration: I paid a nostalgic visit to Israel, and here are the many, sometimes contradictory, things I was told. And, true to his agenda, Alterman does transmit varied voices, ranging from A.B. Yehoshua, who echoes Nicholas Kristof's recent call for "tough love" for Israel, to Benny Morris advocating preventive war with Iran. He even juxtaposes some of those voices in debate with one another.

But Alterman fails to ask his Israeli respondents the tough questions he would have demanded from any other journalist. Where, in this deceptively evenhanded account, are the Benny Morrises of Israel asked why Israel has long spurned the Saudi peace initiative? And the Hamas offer of a ten-year truce? And the grassroots bilateral Geneva Accords?

Alterman, quoting Moshe Halbertal, refers to the Israeli "withdrawal" from Gaza. Why not pose the question, What does "withdrawal" amount to when Israel controls Gazans' freedom of movement and access to food, medicine and the electric power to drive the water pumps? Certainly the Geneva Conventions would no more agree that Israel has withdrawn from Gaza than common sense would agree that prison guards are not in charge of a prison because they patrol from the perimeter and

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The Nation.
since 1865

Born-Again Democracy

Our country is at a rare and dangerous juncture. The old order is crumbling, and virtually all the centers of power that govern us have been discredited by events. The president is irrelevant, weak and unbelievable, even to his own party. The Democratic majority controlling Congress is stalled by its own shortcomings. The treasury secretary, given his arrogant approach to the financial crisis, is not to be trusted as a steward of the public interest. Nor are the conservative Federal Reserve and its chairman. The private power of Wall Street is utterly disgraced and desperate.

COMMENT

This condition of vulnerability is sure to prevail for at least the next three months, until a new president and new Congress take office. In the meantime, the governing elites are clinging to the old order, trying to salvage it by delivering massive amounts of relief from taxpayers to the failing financial institutions. The American people correctly see this approach as a historic swindle that rewards the villains at the expense of the victims. A Nevada real estate broker asked the *Washington Post*, "Instead of having a bailout, why don't we have indictments?"

Indictments can wait, along with fundamental reforms. Right now the country needs to confront the fire raging through the financial system and engulfing people and productive assets in the real economy. Aroused and angry, the public, for a change, can play a decisive role in the political arena, as it did when the House rejected the bailout package. That shock to the system was valuable therapy. People can drive politicians to begin facing reality and to develop a more forceful strategy for national recovery, an approach that serves the country as a whole and has a far better chance of succeeding. The sooner our leaders recognize that the old order is gone, the sooner Americans can begin reconstructing a more viable and equitable economy.

The calamitous unwinding of financial institutions in recent months has an ominous resemblance to events that unfolded after the stock market crash of 1929, when three years of recurring waves of bank failures and economic contraction led to massive suffering. The government, led by the Federal Reserve, was scandalously derelict during that crisis. This time Washington has reacted more aggressively but still hasn't found a strategy to stabilize finance or reverse the gathering recession.

Another total collapse like the one in the 1930s may still be avoided if politics changes direction. We do have some factors in our favor. First, our living standard is abundant by comparison, despite our indebtedness to foreign nations. Second, the New Deal created economic mechanisms that remain in place as automatic stabilizers, like federal deposit insurance to prevent disastrous runs on banks like the ones that wiped out more than 10,000 back then.

Given the political paralysis, people have to find their own way. Corny as it sounds, the necessary first step is honesty—getting a clear understanding of what we are facing and what can be done, then forcing our views and ideas on the governing circles in both parties. The bitter tragedy of our era is that the hard lessons Americans learned during the crisis of the New Deal years have been tossed aside—either repealed or systematically subverted—by the present generation of governing elites. Democratic partisans who claim an aura of innocence are falsifying the past. For the last generation, Democrats have colluded with conservatives in the destruction of New Deal law and principle. And Democrats do not yet have a clear idea of how to restore those lost

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VOLUME 287, NUMBER 12, OCTOBER 20, 2008
PRINTED OCTOBER 1

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INTERNET: Selections from the current issue become available Thursday night at www.thenation.com.

Printed on 100% recycled 40% post-consumer acid- and chlorine-free paper, in the USA.

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COMMENT

lessons and update them for our present predicament.

Understanding the situation begins by recognizing the real crisis—the great wound to the nation that Treasury Secretary Paulson and his supporters have obscured with their alarm-bell rhetoric. The United States has collectively suffered a massive loss of wealth—capital in the financial system as well as savings in the real economy of families and producers. With the collapse of Wall Street's phony valuations, financial capital disappeared like air from a deflating balloon. Banks are endangered because they have lost $1 trillion or maybe twice that. Therefore the banking industry will shrink considerably. We are witnessing that bloody spectacle right now—failing firms and forced mergers, either propped up by government or taken over by private investors like Warren Buffett.

When Japan went through a low-grade depression during the 1990s after its financial bubble burst, something like twenty-one major banks were reduced to four. The US system is shrinking in similar fashion, but much faster. This inspires recurring panic among investors, creditors and shareholders, but a smaller financial system will eventually be good for the country—more focused on the real purpose of banking, which is to channel capital investment into the economy. In recent years financiers have instead amassed speculative fortunes by peddling exotic debt instruments.

Paulson's solution was to relieve bankers of their rotten assets—primarily mortgage securities—and then replenish their lost capital. He did not explain this clearly, because he knows even $700 billion is not enough to save them all. So his extraordinary powers would put him or his successor in the role of savior and Grim Reaper, the titan who picks and chooses which banks will survive and which must die. But even if he chose wisely, it would not solve the basic problem. The financial system is going to shrink no matter what; under Paulson's plan, the public would be stuck with all its costly mistakes.

The other half of the nation's great loss of wealth belongs to the people—ordinary working people, mostly, who have borrowed heavily in order to sustain their faltering standard of living under pressure from flat or falling incomes. Given the bubble of inflated housing prices, people borrowed most easily from their own savings—the equity they had accumulated in their homes. When housing prices collapsed, economist Dean Baker estimates, their loss of wealth was $4 trillion to $5 trillion. Three decades ago, American homeowners held 70 percent equity in their homes. Today it has fallen below 50 percent. Many families have spent their retirement savings and are still working.

Just as the financial system is doomed to become smaller, so must millions undergo a painful fall in their standard of living. Many already have. There is no obvious way around this, but if they face the facts, people can begin to focus on what is possible and then pressure government to undertake remedies to mitigate the pain and avoid the worst. Right now, everyone is scared, hunkering down.

Only government has the leverage to "get the money moving again," as New Dealers used to say. No other sector or interest is equipped to raise the financing. Government can borrow money from people afraid to spend and wealth-holding institutions afraid to lend, then pump it into real economic activity. It can issue cheap loans if the banking system won't. It

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Noted.

DIE ANOTHER DAY: A visitor to the British Labour Party conference in Manchester could be forgiven for thinking he had blundered onto the set of an avant-garde staging of *Macbeth*, and not just because Prime Minister **Gordon Brown**'s inner circle—and a number of his enemies—speak in Scottish accents. After a year that saw Labour's eleven-point lead over the Tories turn into a twenty-point deficit, the shadow of political death hung over every conversation, from the gallows humor on display at fringe meetings to the constant back-room talk of knifings and decapitation. One prospective Labour candidate, wondering aloud whether Brown's removal as party leader would help his own fast-fading chances for election, actually turned to me and said, "'Twere well it were done quickly."

Not all of the prime minister's difficulties are of his own making. The run on **Northern Rock**, a British bank brought down by the credit crunch, and the skyrocketing prices of food and oil, were arguably circumstances beyond his control. But when Brown backed out of a snap election last fall for fear of losing a chunk of his majority, the media—and the public—seemed to turn against him. A bill allowing terrorist suspects to be held for forty-two days without trial and the government's decision to double the tax rate for Britain's working poor—two issues that allowed the Tories to stand on Labour's left—created huge self-inflicted wounds in the party's base.

Only the disarray among his Labour rivals allowed Brown to hang on, hoping, like Mr. Micawber, that "something will turn up." In fact, it was the sharp downward turn on Wall Street that gave the prime minister his stay of execution. Though ostensibly aimed at the youthful **David Cameron**, Brown's jibe "This is no time for a novice" also skewered **David Miliband**, the 43-year-old foreign secretary, who has emerged as Brown's most dangerous rival.

Staking his future on the issue of economic competence is a risky strategy, though. On September 29 the Tories promised to freeze the widely hated council tax for two years. And if Britain, whose banks are rotten with American subprime derivatives, follows the US economy over a cliff, voters may decide that Labour's "intensely relaxed" approach to market regulation deserves much of the blame. It was Brown, after all, who kept Britain out of the euro. Moreover, the prime minister does not have the option of a Paulson-scale bailout. The assets of the four largest London banks amount to four times the country's GDP.

Why should Americans, caught up in our own electoral drama, care about British politics? For all his—and his party's—manifest faults, Brown is still the most powerful professed socialist in the developed world, a man who, when he reminds his party that "health-care should not be a commodity to be bought by some but a right to be enjoyed by all," expects them to applaud. His spirited performance at the party conference showed that he is still capable of a few surprises; delegates who came to bury him stayed to praise. Whether he can produce a miracle sufficient to ward off electoral disaster is another question. But for the moment, at least, Brown has his reprieve, if not yet his resurrection. D.D. GUTTENPLAN

WASILLA, FAHRENHEIT 451: As we commemorate **Banned Books Week** in early October, we are reminded of the many attempts to restrict our right to read. Nearly 400 challenges filed at schools and libraries were reported in 2007, most probably constituting a fraction of incidents nationwide. This year's banned-book focal point goes back to 1996 in Wasilla, Alaska, when the director of the local public library, **Mary Ellen Emmons**, received at least three requests from the newly elected mayor asking whether Emmons would object to censoring books. When the mayor raised the issue at a City Council meeting, town resident **Anne Kilkenny** told the *Anchorage Daily News*, Emmons responded, "The books in the Wasilla Library collection were selected on the basis of national selection criteria for libraries of this size, and I would absolutely resist all efforts to ban books."

Emmons was supported by a particularly strong library reconsideration policy that states, "This library holds censorship to be a purely individual matter and declares that—while anyone is free to reject for himself books and other materials of which he does not approve—he cannot exercise this right of censorship to restrict the freedom of others."

Fortunately, no titles were removed from the library, but shortly after the incident, the mayor sent a termination letter to Emmons and other city officials, charging them with failure to support the new mayor. In the public uproar that followed, citizens rallied around their popular librarian, resulting in her reinstatement. All this would now be forgotten, except that the mayor, **Sarah Palin**, is now a candidate for vice president of the United States.

Back in 1996, the local newspaper, the *Mat-Su Valley Frontiersman*, reported that Mayor Palin explained her inquiries as "rhetorical" and "simply part of a policy discussion with a department head 'about understanding and following administration agendas.'" Yet at about the same time, Palin's church, the Wasilla Assembly of God, pushed to remove the book *Pastor, I Am Gay* from local bookstores. Around the time of Palin's inquiries, school libraries in Alaska also received challenges to books like *Go Ask Alice* and *Daddy's Roommate*, a book that helps children understand homosexuality. When **Laura Chase**, Palin's first mayoral campaign manager, asked if she had read the book, Palin responded that "she didn't need to read that stuff." Chase now says she finds it "disturbing that someone would be willing to remove a book from the library and she didn't even read it." In the end, Palin did not succeed in her crusade.

When we observe Banned Books Week, we celebrate heroes like the former librarian of Wasilla, whose courage represents a measure of freedom. Fortunately, in public libraries across the country, books, hated by some but loved by others, remain on the shelves because of the dedication and commitment of librarians like Mary Ellen Emmons, who proudly uphold their principles even when called upon to stand up to those who bully and abuse power. NANCY KRANICH

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can forgive debts or relax the terms if that puts people back to work and keeps them in their homes. As economist James Galbraith suggests, it can hand off the money to state and local governments and make sure they spend it. All this is elementary Keynesian economics, the doctrine taught by the New Deal era. I restate it in plain English because even the Democratic Party seems to have forgotten the basics, having become obsessively fearful of large budget deficits (except when powerful interests want the money). Average Americans need to start saving again, and business and banking will not begin to reinvest in the economy until they see that government is leading the way.

Washington must assert its full emergency powers and tackle two things at once: manage the gradual downsizing of the financial system in an orderly fashion that sustains lending, and revive production and employment by force-feeding activities of many kinds. This cannot be a voluntary program that simply invites bankers to participate on their terms. The government must impose emergency regulatory controls to keep finance in step with the nation's overall goals. If bankers resist these terms, they should be cut off, isolated from the public's lifesaving assistance.

These are not idle suggestions. The nation is now in the grip of dynamic political change, and this will not stop with the decision on Paulson's grandiose bailout. Presuming the bailout prevails in Congress, Paulson will be handing out public billions to Wall Street players in the next few months. The political counterforce for genuine public-spirited solutions should be pushing back right away. Activists and intellectuals, public citizens and heavyweight financial players, even some members of Congress, are already at work on the details. If Congress reconvenes for a lame-duck session, you will see some of these measures surface for public debate and popular agitation.

The essence of this action will borrow ideas and models from the New Deal and update them to fit our present circumstances. This not simple nostalgia. It is a clearheaded recognition that the public interest has not been served and the crisis will not recede until it is. Here are five concepts for recovery and reconstruction that are in circulation. If we are lucky, these proposals will redefine the next presidency, whoever wins.

1. *Stop the easy-money bailout.* Instead of buying rotten assets from Wall Street firms with no strings attached, the government should examine their books and decide which banks can be saved with direct infusions of capital in exchange for public ownership—roughly on the terms Warren Buffett got when he aided Goldman Sachs (preferred shares and guaranteed dividends). The failing institutions should get regulatory euthanasia. This approach gives the government direct control over the survivors and ensures that the public is protected from egregious loss. The model is the Reconstruction Finance Corporation of the 1930s, which recapitalized banks and corporations under stern supervision.

2. *Help the folks who are hurting—directly.* A homeownership corporation patterned after the New Deal original would have the money and the flexible authority to supervise "workouts" for millions of failing families. This is what bankers do for corporations when they get in over their head. Government can do the same for indebted households: stop the liquidation, stretch out default dates and arrange manageable terms. This is not a bleeding-heart gesture—keeping families in their homes is economic stimulus, and it halts the decay of neighborhoods.

3. *Get serious about economic stimulus.* We need a recovery program five or six times larger than the pitiful $60 billion proposed by Democratic leaders. These billions should go for the familiar list of neglected priorities—fixing bridges and schools—but should also jump-start the green agenda for alternative fuels and restoration of ruined ecosystems. The government should subsidize the new industries of our age, just as New Deal spending financed the modern development of aircraft, petrochemicals, steelmaking and other key industries in the 1930s.

4. *Re-regulate the bad actors and indict the criminals.* Start by restoring the law against usury—the predatory lending practices that ruin weak and defenseless borrowers. Government cannot wait for a relaxed debate about restoring regulations. We need newly designed controls over the financiers and well-defined public obligations imposed not only on banking but also on hedge funds and private equity firms. These cannot be discretionary rules. If the money guys don't like them, they should get out of the business. Paulson's Wall Street colleagues are already mobilizing lobbyists for this fight, but they may discover that Washington has been changed by events. The easy-going deference to Big Money seems suddenly out of fashion.

Calvin Trillin, Deadline Poet

On a Clear Day, I See Vladivostok

(The Barbra Streisand classic as sung by Sarah Palin)

On a clear day,
I see Vladivostok,
So I know world affairs.
Don't say, "No way."
Though I know elites mock,
It's osmosis that does it—well, that and our prayers.

And Joe Biden sees New Jersey from his shore.
And that's just a state. That doesn't rate. It's me who
knows the score.
On a clear day,
On a clear day,
I see Vladivostok…
And Novosibirsk…
And Krasnoyarsk…
And Omsk…
And Tomsk…
And more!

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5. *Create a new brain for government management of the economy.* The crisis and the halting decision-making by the Treasury and the Federal Reserve—not to mention the secrecy and special deal-making on behalf of financial interests—make it clear that deep reform is required. I would start with a special reconstruction and recovery agency, empowered to lead policy and oversee banking regulators and the economic stimulus. The Federal Reserve's so-called independence is an antique concession to the big banks and doesn't make any sense. Monetary policy and fiscal policy must be balanced and decided in the same process. That rational approach might have stopped the Fed from the biases and dereliction that led to this crisis.

These ideas and many others are in gestation. They will reach fruition when politicians and other leaders swallow their bruised egos and rethink their supine posture, arm in arm with Wall Street. That looks improbable at the moment. But voters can help them change their minds. WILLIAM GREIDER

Democracy Inaction

What a long, strange week in Washington. Early on, you could tell things were not proceeding along their usual track. At the Senate Banking and Finance Committee, right-wing Republican Jim Bunning laid into the bailout plan as "socialism" that was "un-American," and was met by cheers and acclamations from ACORN and Code Pink members in attendance. (So much, in fact, that Bunning crankily told them to pipe down. "I've been doing this long enough," he said. "I don't need any help.") The next day at the joint economic hearing, after progressive stalwart Lloyd Doggett of Texas railed against the bill's cost, Ron Paul quipped, "You've confused me a bit because I don't know who the conservatives are and who the liberals are! I'm gonna keep trying to figure it out." And a couple of days later, MSNBC viewers were treated to the spectacle of Republican Senator Richard Shelby of Alabama railing against the bailout on *The Rachel Maddow Show*.

COMMENT

The sober mandarins who set the Beltway conventional wisdom love to praise bipartisanship, but this is not the kind of bipartisanship they have in mind. It turns out that nothing brings the left and right together quite like a Big Government intervention on behalf of Big Money. With the partisan affiliations scrambled, the fissures broke this way: on one side, the self-proclaimed responsible Establishment—Paulson, Bernanke, Bush and the Congressional leadership of both parties—and on the other side, the ideologues and the populists.

Despite the possible benefits that would accrue to a candidate who channeled the anger Americans feel at having to clean up Wall Street's mess, both presidential candidates threw in their lot with the Establishment. Neither covered himself in glory: John McCain's ludicrous stunt trip to Washington helped derail the very compromise he had said was so urgent. Obama, meanwhile, kneecapped the efforts of progressives to force much-needed provisions like a reform of bankruptcy law, publicly stating that this (minor) concession shouldn't be in the bill. In the end—like Pontius Pilate in front of a mob of angry bankers—each pledged to vote for the bill despite his misgivings.

The bill's 228-to-205 defeat on September 29 was one of the most stunning and unexpected votes in recent history. Press coverage in the aftermath pointed to partisan bickering, but the simplest answer to why the bill failed was that it was massively unpopular. Polling may be contradictory on this point. The characterization of the package—as a "bailout," a "rescue" or an attempt to "secure" financial markets—seems to determine whether people support it or not. But lawmakers were not getting mixed messages from their constituents. Calls to Congressional offices were running 100 to one against the bill. An Ohio man was so exercised about the bailout, he drove seven hours from Westerville to Washington to share in person his concerns with his senator, Sherrod Brown. As the website FiveThirtyEight.com noted, the roll call confirms that an aye vote was perceived as political suicide: of the thirty-eight members engaged in tossup races, only eight voted for the bill. Meanwhile, of the twenty-six members retiring in the fall, twenty-one voted for it.

At first blush the defeat seemed like a triumph of democracy, but I'm not quite ready to declare victory. In the absence of a legislative solution, it will be left to the inherently undemocratic Federal Reserve to keep the system from imploding. And the financial crisis, while perhaps not quite as pressing as Henry Paulson would have us believe, is real. Credit markets at home and abroad are shot through with a terrifying degree of systemic dysfunction.

There is a need for effective, enlightened and just intervention, but how we get from here to there is deeply unclear. The eccentric coalition that defeated the first bill can't serve as much of a basis for a better one: much of the conservative opposition in the House seems rooted in a desire to let the whole thing crash and burn for the sake of preserving their philosophical worldview. "For the sake of the altar of the free-market system," one unnamed GOP lawmaker asked rhetorically, "do you accept a Great Depression?" The sane members of Congress, almost entirely Democrats, are left in the position of trying to craft a bill that can pass and that will accomplish what's needed. But the two might very well be mutually exclusive. A truly progressive version of the bill would directly recapitalize failing banks, tax stock transfers specifically or the financial services industry generally to recoup the costs and, crucially, include a fiscal stimulus directed at working people—bankruptcy reform, loan modifications for families facing foreclosure, an increase in food stamps, extension of unemployment insurance and large-scale public investment in green infrastructure to create jobs. But there's little chance that a bill like that could pass the House, never mind clear the sixty votes it would almost certainly need in the Senate. While it would no doubt gain the votes of progressive Democrats, it would just as likely lose an equal number of Republicans. So it is far more likely that by the time you read this, the specter of a badly shaken economy coupled with a few stern lectures from the Chamber of Commerce and Business Roundtable lobbyists will have Republican members eating their principles and voting yes. Then progressives will have to regroup for the fight around the next big financial bill come January.

The way things are going, one thing's certain: more will be necessary. CHRISTOPHER HAYES

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Looking Backward

Is it the end of the world as we've known it?

Who can say for sure? But as America's second Gilded Age fissions all around us, one can sense the zeitgeist shift. If we are staring into the abyss of 1929, what do those grim times portend for us in the months ahead?

History accelerates at unimaginable speeds. Cherished beliefs and inviolable maxims are thrown overboard with hardly a farewell. So today the universal rush to embrace regulation after a quarter-century of treating it like the plague should remind us how quickly our Depression-era ancestors abandoned hoary shibboleths about laissez-faire and balanced budgets.

COMMENT

Rage turns into outrage. A spirit of retribution inflames popular sentiment, with calls to punish those privileged, self-regarding elites who have so badly misused their power and wealth, architects of a parasitic economy that has put the whole country in peril. It is a familiar emotional trajectory. Even before FDR took over, the Wall Street savants of the Jazz Age were getting their comeuppance, excoriated in the media and in front of Congressional investigators, pilloried for their greed, larceny, self-delusion—and, most of all, for their appalling incompetence. As then, Wall Street, so recently revered, becomes ex-communicant. The politics of retribution is parochial but full of liberating energy.

In fevered times like these, there is an urge to turn to the Hero as Autocrat. The emergency powers granted Roosevelt to deal with the collapse of the financial system were part of a general willingness to abdicate responsibility in favor of a figure of consoling authority, in his case a benign one. Soon enough, the great social movements of that era undermined this dependence. Today a long season of imperial presidential presumption and mass political passivity make the future cloudier. But the fury that greeted the Bush administration's original design to give Henry Paulson carte blanche is heartening and suggests that the legitimacy of the old order is threadbare.

If politics is the art of the possible, then when an era comes crashing to an end what seems possible changes from moment to moment. In retrospect, FDR is often congratulated for his open-minded experimentalism. But to many back then it seemed more like he couldn't make up his mind. That's because the political chemistry of the country had become so volatile. The responses to today's financial meltdown and imminent depression are likewise confused, as no one knows where the politically conceivable begins and ends. Proposals range from orthodox schemes to bail out junk at ridiculously inflated values all the way to something approaching nationalization of the financial system. That notion last surfaced during the banking crisis of the Great Depression but lost out to the less daring and more restricted remedies of the FDIC and the Glass-Steagall Act. The New Deal, in this arena as in others, was as much a story of promising roads not taken as it was one of adventurous reform.

Here the past need not be a fixed guide to the present. The collapse of the old order makes it necessary, and possible, to go further. The second Gilded Age has been a disaster in many ways. Chief among them has been the leaching away of the country's productive wherewithal. Tidal waves of investment capital have streamed down sinkholes of speculative paper transactions, leaving in their wake a nation caught in the throes of underdevelopment.

The popular disgust with Wall Street is in part over its shameful role as the country's economic eviscerator, a performance accompanied by shameless flaunting of misbegotten wealth. To reverse course, public authority must be robustly empowered to compel the flow of capital and credit into productive channels that meet the general interest. The New Deal feinted in this direction, as for example with the Tennessee Valley Authority's bold experiment in regional economic planning and the public ownership of electrical power generation and distribution. The end of our second Gilded Age demands more, this time perhaps a bank for reconstruction and development to jump-start high-tech green energy conversion, the resuscitation of America's inner cities and the root-and-branch overhaul of the nation's decrepit infrastructure.

Two other reflections on the relevant past suggest this may be more than a quixotic crusade. Breakdown in the 1930s elicited contradictory emotions and behavior. Despair, apathy and resignation were widespread. So too were more phobic, mean-spirited reactions. But the era is perhaps best known for the repoliticization of millions of formerly inert citizens. This happened in the electoral arena, but not only there, as once voiceless multitudes created out of nothing their own institutions and asserted their own powerful presence in public life. These labor unions, consumer groups, farmer alliances, civil rights associations, councils of the unemployed, local progressive parties and others helped reorient the axis of political life. The relationship of concentrated wealth to democracy, equality and the hierarchies of power, normally hidden beneath the myth of American individualism, was suddenly exposed to the light of day. Such revelations transformed the national psyche and gave the era its special *frisson*. Only mass movements and organizations that make "brothers and sisters" out of strangers carry with them this extraordinary capacity to reconceive the world, and in doing so to reinvent it. It's rare enough in American history, to be sure, but we may soon see our public vocabulary once again spiced up with the contemporary equivalents of "economic royalists," "tories of industry" and "money changers" who need to be cleared out of the temples of our civilization. That would be refreshing.

STEVE FRASER

Steve Fraser, co-director of the American Empire Project series at Metropolitan Books, is the author, most recently, of Wall Street: America's Dream Palace.

Paul Newman

Paul Newman was a foul-weather friend.

He helped this magazine when we needed it most.

He was also a fair-weather friend. When we came back to him and asked for more so that we might build on the base he had helped make possible, he had only one question, Where do I sign?

Although he was confident that he would lose every cent,

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on more than one occasion he told us, "*The Nation* is my favorite investment."

It all started in 1994, when Arthur Carter, who for eight years had subsidized and published *The Nation*, which was losing about $500,000 a year, turned the magazine over to me.

Since I didn't have $500,000 to lose—that year or any other year—I came up with a four-year plan. My idea was to find three shareholders who would put up $1 million each. That way we would have enough money to cover our losses, pay Carter off and invest in our future until the magic moment of self-sufficiency arrived (or so we hoped).

COMMENT

I called my friend E.L. Doctorow, who was also a friend of *The Nation* and, perhaps most important, a friend, or at least an acquaintance, of Paul Newman, who had returned from World War II to Kenyon College as a senior when Doctorow was a freshman. Could he arrange a meeting?

Two and a half months later, I found myself at dinner at a small Italian restaurant in the East Eighties with Doctorow, Newman and Joanne Woodward. Normally, I would have been thrilled to have dinner with Newman and Woodward, but my fundraising experience told me that when a "mark" (in the spirit of *The Sting*, let's think of Newman as a mark here) brings his wife along, all too often no funds get raised. So, much as I admired Woodward, I worried about her presence.

Dinner began with Newman and Doctorow reminiscing about Kenyon. Doctorow reminded Newman that he had been a patron of the small laundry business Newman had started in competition with the college. He had made a deal with a local laundry that he'd collect student laundry and get paid. So he opened a store in opposition to the campus laundry. Then he got the bright idea of putting a keg of beer in the store window; any student who came in with laundry got a free beer. College authorities began to wonder why their laundry business was going down. When they found out, that was the end of Newman's promising career in laundry—but not, as his all-natural food company, Newman's Own, was later to make clear, his entrepreneurial instincts.

Then Newman turned to me and said, "So, Professor, what's the damage? What can I do for you?"

When I told him what I had in mind, he said, "That's very rich."

At which point Woodward piped up and observed, "*You're* very rich."

"So are you," said Newman.

"Not as rich as you, dear."

I shouldn't have worried.

Before our dinner was over, Newman had agreed to become a partner. And to make a very complicated and long story short, as a result of his participation we were able to attract the rest of the investment capital we thought we needed.

Over the years, Newman not only invested money; he also agreed to sponsor, chair and attend various fundraising events, although given who he was and what he did for a living, he was at times a remarkably reluctant showboat. Once, he traveled across the country to California, where he co-chaired a *Nation* event. When it was his time to speak, he announced that he was taking the Fifth Amendment.

On another occasion he had some investor prospects over to his New York City apartment. As bait, he let the word go forth that Robert Redford was going to be there. When the guests were assembled, Newman said he had some good news and some bad news. The bad news was that Redford couldn't make it. The good news was that Redford's six-figure check was on the way. And then there was the time he explained to potential members of *The Nation*'s Circle of 100, a shareholder's group that he helped us start, "I think *The Nation* is important not because I agree with everything it says but because it helps define where the center is."

He flattered us by asking our advice on candidates before he endorsed them, and how to deal with a *New York Times* editorial that, he thought, took an unwarranted and unfair swipe at Newman's Own (it did).

When *Starr's Last Tape*, a one-act play on Clinton's tormentor, Kenneth Starr, by *Nation* senior editor Richard Lingeman and myself, was produced at the Berkshire Theatre Festival, Paul and Joanne journeyed up to the Stockbridge opening.

He was funny, he was thoughtful, he was considerate, he was supportive, he was committed and, in the end, he was a friend, period.

VICTOR NAVASKY

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Eric Alterman

Reality Bites

During the 1980 presidential campaign, Republicans latched onto a theory that enjoyed virtually no support among professional economists: so-called "supply-side" economics. Its promoters were a discredited economist named Arthur Laffer and a self-described "wild man" editorialist at the *Wall Street Journal* named Jude Wanniski. Laffer had drawn up the doctrine on the back of a napkin, and Wanniski promoted it in the *Journal*'s editorial pages before selling it to Jack Kemp, who made it a condition of his withdrawal from the Republican race that the nominee, Ronald Reagan, embrace it as well. Other than in a few *Journal* editorials, the only discussion of this notion occurred in two pieces published in the neoconservative policy journal *The Public Interest*, co-edited by Irving Kristol; one was by Wanniski, the other by Kemp aide Paul Craig Roberts. Before Wanniski's "The Mundell-Laffer Hypothesis: A New View of the World Economy" appeared there, neither Laffer nor Robert Mundell, a Canadian economist who had influenced Laffer, was even aware that they had fashioned a "hypothesis" together. Next thing you knew, Reagan was president, supply-side was in place and government deficits took off for outer space.

The supply-side experience taught conservatives they could create their own reality. They never admitted that their fly-by-night doctrine had anything to do with the deficits it created and continued to pummel liberals as fiscally irresponsible. Even after David Stockman revealed to William Greider that the entire exercise had been a hoax designed to cut taxes on the wealthy and spending for the poor and the middle class, the charade continued uninterrupted. (The Reagan administration even concocted a separate lie—that story about the president taking Stockman to "the woodshed" when the first lie was discovered—and that worked just as well.) Journalists, imprisoned by their attachment to consensus, national narrative, the appearance of objectivity—to say nothing of their ignorance of economics—were more than happy to go along for the ride, professing admiration for a conservative president's "bold leadership," however reckless and destructive the results (see also "Iraq, Invasion of").

Now recall that in 1980, there was no conservative counter-establishment to ease the path of this ideologically based nonsense into the mainstream. Today, however, thanks to the likes of Limbaugh, O'Reilly and the *New York Times*'s William Kristol, etc., who will call it round one day and square the next, depending on the needs of their team, the Bush administration has felt empowered to cater exclusively to its increasingly narrow base of wealthy corporations, Christian fundamentalists and neocon adventurers to the exclusion of the rest of us, real-world results be damned. The administration's guiding ideology was explained by the famous but anonymous Bush aide who informed reporter Ron Suskind of the impotence of the "reality-based community"—defined by said aide as individuals who "believe that solutions emerge from your judicious study of discernible reality." "That's not the way the world really works anymore," he explained. "We're an empire now, and when we act, we create our own reality. And while you're studying that reality—judiciously, as you will—we'll act again, creating other new realities, which you can study too, and that's how things will sort out. We're history's actors…and you, all of you, will be left to just study what we do." The net consequences of this philosophy can be seen in Iraq, Afghanistan, New Orleans, the Justice Department, the budget deficit, the housing crisis, the banking crisis, etc. And yet it retains a certain salience in the Alice in Wonderland atmosphere of our political system—particularly with what remains of the Republican base.

The McCain campaign is doubling down on this bet. Each new day brings a revelation that the candidate has lied, flip-flopped, appeared dazed and confused or has hypocritically contradicted himself from the day before, and the campaign's response is always the same: "Liberal-media, liberalmedia, liberalmedia." When questioned by Politico.com about the naked lies the campaign has been peddling, spokesman Brian Rogers was explicit: "We're running a campaign to win. And we're not too concerned about what the media filter tries to say about it." GOP strategist John Feehery was no less reticent about his disrespect for reporters and for reality: "The more the *New York Times* and the *Washington Post* go after Sarah Palin, the better off she is, because there's a bigger truth out there and the bigger truths are she's new, she's popular in Alaska and she is an insurgent…. As long as those are out there, these little facts don't really matter."

The Republicans have put their money where their mouths are. McCain announces that he approves of advertisements he knows to be dishonest, unconcerned that he is destroying the reputation he spent decades building. Campaign manager Rick Davis, continuing the campaign of contempt, explains that he will refuse to "throw Sarah Palin into a cycle of piranhas called the news media…until at which point in time we feel like the news media is going to treat her with some level of respect and deference." And it almost works…

McCain and Palin are losing to Obama and Biden, thank God. But even the possibility that the most powerful nation on earth is in danger of electing yet another president characterized by dishonesty, belligerence, ideological obsession and personal recklessness—coupled with a vice president whose life experience makes her more appropriate for a casting session of *Desperate Housewives* than a cabinet meeting—gives one pause when considering the future of this country, regardless of whether we manage to avoid this catastrophe on election day. If providence smiles upon us, and working-class whites in Ohio, Michigan and Virginia are willing to help elect America's first nonwhite president—a brilliant and inspiring one at that—then perhaps we can skip the tragedy this time around. Lord knows, we are already living the farce. ■

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CHARLES DHARAPAK/AP

Former Attorney General Alberto Gonzales with President George W. Bush, May 4, 2007

JUSTICE, BUSH-STYLE

Republican loyalists have taken over the DoJ and taken aim at the civil rights division.

by ANDREW GUMBEL

In 2002 conservative political journalist John Miller wrote an extraordinary call to arms in which he declared open season on the civil rights division of the Justice Department. This was the division that, for close to fifty years, had been dedicated to erasing the legacy of Jim Crow and protecting the rights of minority voters.

"There may be no part of the federal government where liberalism is more deeply entrenched," he fulminated in the *National Review*. Then he sketched out how conservatives could reclaim it for themselves. His jeremiad was headlined Fort Liberalism: Can Justice's Civil Rights Division Be Bushified?

Six years on, we know the answer painfully well. What makes Miller's piece so extraordinary is that nearly every one of his proposals was implemented. "Republicans should work to gain more control over the civil rights division and its renegade lawyers," he wrote. Check. "The administration should permanently replace those it believes it can't trust," including senior career section chiefs. Check. "Republican political appointees should seize control of the hiring process." Again, check.

To the extent that Miller injected any note of caution, his prescription was exceeded. "They [Republican political appointees] don't need to make sure every new lawyer is a member of the Federalist Society," he suggested. "Simply hiring competent professionals who don't come from left-wing organizations would be an enormous improvement." In fact, the ultraconservative Federalist Society quickly became a favored recruiting ground—twenty-seven out of twenty-nine members who applied in 2002 were granted interviews, according to a report from Justice's inspector general—while lawyers affiliated with more progressive organizations were roundly snubbed.

At the same time, Republicans at the Justice Department became so zealous in the pursuit of their political aims that competence went out the window, along with any sense of caution. Instead of simply correcting a perceived imbalance, they ripped up the professional integrity of the department like no presidential administration in memory and hobbled its much-prized independence—in the civil rights division and just about everywhere else.

A startling flurry of inspector general reports—including one released September 29 focusing on the US Attorney firing scandal—along with the testimony of former Justice staffers interviewed at length by *The Nation*, paint a detailed picture of how a once-proud government department came to teeter on the brink of a nervous breakdown. With the presidential election looming, the consequences of pervasive politicization could be profound, as the department's rules of engagement in the electoral process have been completely remade to allow a much greater degree of direct interference.

"They have destroyed the internal culture of the Justice Department as a restraint on the executive branch," said Bruce Fein, a prominent Washington constitutional lawyer who cut his teeth at Justice during the Watergate scandal and later served as a political appointee under Reagan. "There's no professional insistence on treating law and politics separately. It's all one."

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Gerry Hebert, a former head of the voting section who now lobbies for greater professional accountability at the Justice Department through the nonprofit Campaign Legal Center, confirmed this view: "To see what's been done to the department is one of the most tragic things in my professional career."

The devastation has been profound. Bush loyalists have crammed key positions and even rank-and-file trial lawyer posts with unqualified conservative ideologues interested only in carrying water for the White House. They have put people with little litigation experience in charge of litigating sections; they have rejected top candidates from Harvard, Yale and Stanford and favored an improbable number of alumni from the Regent University School of Law, a conservative Christian school founded by Pat Robertson.

The civil rights division has been the prime target because it has a direct influence on the conduct of elections—and because minority voters skew so heavily toward the Democrats. But the culture of politicization has pervaded the whole department, turning it into little more than a rubber stamp for the White House on hugely controversial constitutional issues, from warrantless wiretapping to the definition of torture.

Apologists for the administration will tell you there is nothing unusual about presidents politicizing the leadership of government departments—after all, Robert Kennedy was the president's brother when he became attorney general. What is different about this Bush presidency, though, is the depth of the shakeup—no administration has tried to install political sympathizers in career posts before, let alone on this scale—and the degree of hostility shown toward career lawyers and their staff.

"The people who came in really had a take-no-prisoners approach," Hebert said. "If you didn't like it, too bad. They had real contempt for the career people, who they saw as left-wing Democrats." As demonstrated in two extensive IG reports published in June and July, the department leadership, under John Ashcroft and Alberto Gonzales, hijacked the honors program, previously used to recruit the best and brightest from the nation's top law schools, and put it in the hands of a political committee that used flagrantly partisan criteria to screen out liberals and promote conservatives, regardless of their experience or credentials.

Once installed, political appointees berated career lawyers whose analyses did not match the appointees' wishes, threatened the lawyers with poor performance evaluations, cut them out of key meetings and, after they left out of sheer frustration, replaced them with people willing to do the appointees' bidding regardless of legal considerations. "This went so far down," said Toby Moore, an analyst in the voting section of the civil rights division who left in early 2006. "Lawyers were either, in their words, 'loyal Bushies,' or they were not."

The new culture even sparked racial tensions and accusations of discrimination within a division tasked with enforcing laws against such practices. Teresa Lynn, a low-level employee who had worked in the civil rights division for thirty-three years when she retired in December 2006, wrote an e-mail to her colleagues in which she said she was leaving "with fond memories of the Voting Section I once knew and…gladly escaping the 'Plantation' it has become."

Another former voting rights section employee, Joi Hyatte, recently filed a discrimination lawsuit in which she alleged that she and other African-Americans were consistently blocked from promotion, even when they were better qualified than other candidates. She accused one of her superiors of downgrading her glowing performance review for no apparent reason and accused another—former voting section chief John Tanner—of failing to discipline newly arrived department lawyers who openly mocked African-Americans. Tanner himself would show up to work in a tie with a cotton-boll motif, which he refused to stop wearing even after union representatives complained that they found it racially demeaning because of its echoes of slavery in the South.

Once installed, political appointees berated career lawyers, threatened them with poor evaluations and cut them out of key meetings.

Justice staffer Joe Rich recalled the moment he realized how little regard the new regime had for career people like him. It was March 2001, just a few weeks after George W. Bush took office, and Ashcroft had a big announcement to make. He was launching a new voting rights initiative, under which a beefed-up voting section would monitor elections more closely and crack down on suspected instances of fraud. This idea did not come from Rich, though he then headed up the voting rights section. In fact, he was not even told about the initiative until twenty minutes before Ashcroft announced it to the media.

Ashcroft's key aide at that time was Mark Metcalf, a failed Congressional candidate from Kentucky, who shared his view that if more Republicans did not win elections it was at least partly because they were being cheated out of them. Metcalf soon gave way to Hans von Spakovsky, a Georgia lawyer who had been part of the Voting Integrity Project, a group that produced the notorious, error-riddled felon purge list in Florida for the 2000 election, which disenfranchised thousands, if not tens of thousands, of eligible African-American voters. Spakovsky, who left the department in 2005, was awarded a job as a consultant to the Commission on Civil Rights.

Spakovsky was interested in policing the eligibility of voters—something he presented as a necessary anti-fraud mechanism but that has long been favored by Republicans interested in nibbling away at the Democratic Party base. In 2002 he managed to sneak a modest ID provision into the Help America Vote Act—making it mandatory for first-time voters who register by mail to produce a government identification document.

Andrew Gumbel, who has written extensively about voting rights issues, is the author of Steal This Vote: Dirty Elections and the Rotten History of Democracy in America *(Nation Books).* *Research support for this article was provided by the Puffin Foundation Investigative Fund at The Nation Institute.*

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At this point, the rot had not fully set in. The assistant attorney general in charge of civil rights was Ralph Boyd, a serious lawyer from Boston who listened to Rich and his career colleagues even if he often overruled them. Ashcroft, though, was putting the wheels in motion—most notably with his decision to scrap the panel of career lawyers responsible for new hires and replacing it with a politicized working group tasked with "correcting" the department's perceived liberal bias.

Thanks to the June IG report, we now know the results with some scientific precision. Already in 2002, the department's screening committee deselected 80 percent of applicants with liberal affiliations but just 9 percent of applicants with conservative affiliations. While Federalist Society members got the red carpet treatment, all seven applicants who were members of the progressive American Constitution Society were deselected. In 2006, after complaints about politicization had been loudly aired, liberal candidates were still being turned down at three times the rate of conservative ones.

Monica Goodling, the notorious former recruiter, asked candidates, 'What is it about George W. Bush that makes you want to serve him?'

Monica Goodling, the former deputy director of public affairs at Justice under Ashcroft and Gonzales, was perhaps the most notorious recruiter in this period; she once asked a candidate if he had ever cheated on his wife. On other occasions, according to the July IG report, Goodling questioned candidates on their Republican credentials, asking, "What is it about George W. Bush that makes you want to serve him?" Another recruiter, Esther McDonald, weeded out candidates using criteria that had nothing to do with their suitability for the job. She once took a candidate who had been at the top of his class at Harvard out of the yes pile and put him into the questionable pile solely because he was a member of the Council on American Islamic Relations, a Muslim lobby group.

Who *did* the department hire? "I would describe them as a bunch of yes men," said Lisa Graves, who worked on gun legislation under Ashcroft before leaving the department. "Young people who didn't have a lot of supervision but were given tremendous power. They were true believers who shared the very hardline ideological beliefs of the administration, but they weren't career professionals and had no significant experience." The number of new civil rights division lawyers with previous exposure to the field plummeted from almost 80 percent in 2001 to just over 40 percent.

A striking number of the new recruits came, like Goodling, from Regent University. One Regent grad who joined the civil rights division, Bill Condon, described his hiring experience with disarming honesty for his old school alumni newsletter—acknowledging that "God opened only one door to employment" for him in the last year of law school, a door that just happened to lead to one of the most prestigious posts a young lawyer could land.

As he told it, he was asked in his interview which recent Supreme Court decision he most disagreed with, and he answered *Lawrence v. Texas*, the 2003 ruling striking down antisodomy laws. "When one of the interviewers agreed and said that decision in *Lawrence* was 'maddening,'" Condon wrote, "I knew I correctly answered the question."

Many headlines in recent years have highlighted Justice's role in rationalizing the president's controversial strategies in the "war on terror," from warrantless wiretapping to indefinite detentions, military tribunals and torture. But to GOP activists on the inside, it was always primarily about elections.

Ashcroft came to the job having narrowly lost his Missouri Senate seat to a dead man, Governor Mel Carnahan, and believing he may have been cheated by a flood of late voters in Democrat-leaning St. Louis, where a judge kept the polls open past normal hours. From the beginning, he and his fellow Republicans took the view that the Justice Department, particularly the civil rights division, was a cabal of liberals who had held sway for far too long with the help of an approving but biased media. It was certainly true that the civil rights division had not attracted too many hard-core Republicans, because the chief beneficiaries of civil rights legislation, African-Americans in the South, have voted Democratic in overwhelming numbers since the 1960s.

In effect, Bush's ideologues chose to interpret the division's professional commitment to civil rights law as a form of partisanship—as though the law itself represented a sinister liberal agenda. In their view, minority rights had been manipulated to the detriment of Republicans, especially in battleground states like Missouri and Florida. But there was scant evidence to back them up—suggesting a hefty dose of paranoia.

That habit of mind triggered, in turn, a far cruder and far more overt form of political manipulation in the service of the Republican cause. When the career lawyers at Justice objected—as they did, repeatedly—the remedy was to ignore or disparage them until they either fell in line or quit their jobs. The Bush loyalists were happy to let the career lawyers investigate Georgia's 2001 electoral redistricting plan, which had been written by Democrats. However, when it came to Tom DeLay's notorious off-year attempt to redraw the electoral map of Texas in the Republicans' favor two years later, the civil rights division was hands-off. The career lawyers pointed out, as was their job, that the DeLay plan had potentially harmful consequences for minority voters. But their objections were ignored.

Until the Texas redistricting episode, Joe Rich had successfully run interference between his staff and the political appointees, but that changed rapidly when Bradley Schlozman became his boss as deputy assistant attorney general in charge of civil rights. Schlozman, a strikingly underqualified lawyer from Missouri who rose precipitously to the top of the ranks thanks to his political connections, eventually went on to serve as an interim US Attorney, replacing a Missouri federal prosecutor pushed out in the Gonzales purge. Rich described him as "without a doubt the most difficult, vindictive person I've ever

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worked for"—a view many of his career colleagues came to share. Schlozman gave more and more responsibility to Spakovsky—seats on key committees, responsibility for minority-language issues—while reprimanding Rich, giving him bad performance ratings and downgrading the performance reviews of his staff. Rich eventually left in 2005.

One of the things Schlozman and other new managers did was slash the number of staffers working on so-called Section 5 cases—fulfilling the department's mandate to review changes in state electoral laws and district boundaries for any serious discriminatory effect on African-Americans or other minorities. Rich said civil rights analysts in this unit dropped from twenty-five to about ten, effectively shooting it "to hell."

When staffers managed to pull off a critical review, as they did with Georgia's voter ID law in 2005, their findings were disregarded by the political leadership at Justice responsible for deciding whether to take corrective action. Five Justice staffers looked at the law, and all but one—Joshua Rogers, a Republican appointee placed in a career position—concluded that it infringed upon the voting rights of African-Americans. "Even if you support the idea of voter ID, that was not the way to do it," said Toby Moore. "It was such a bad law." No matter—the law got Justice clearance, even though it was later ruled unconstitutional in a Georgia court.

That was when things got nasty. Rogers was nominated for an award, and everyone else was told they weren't doing their jobs properly. When one career lawyer, David Becker, came under suspicion for leaking information to people outside the department, his superiors rooted through his e-mails and threatened him with disciplinary proceedings, even a possible petition to have his license revoked. Since Moore had received e-mails from Becker, he too had his e-mail account searched and found himself the subject of an official ethics complaint. Both men were eventually cleared of wrongdoing but chose to leave their jobs.

Slowly, it all began to unravel. John Tanner, then head of the voting section, was caught on YouTube making outrageous, and arguably racist, justifications for the Georgia law and was forced to resign in December 2007. Spakovsky exposed his ignorance of legal protocol when he drafted an unsolicited letter to an Ohio judge on the eve of the 2004 election saying Justice had no problem with a plan by state Republican officials to challenge voter eligibility using a notorious voter-suppression method known as "caging." This violated the most basic procedural rules in the book, since the Justice Department doesn't communicate directly with judges. And the US Attorney scandal exploded onto the front pages in early 2007, with at least two and possibly three of the Attorneys fired by Gonzales—David Iglesias of New Mexico, John McKay of Seattle and, it seems, Todd Graves of Kansas City—losing their jobs because they did not go after alleged voter fraud cases with the expected zeal.

The tide may finally be turning. Schlozman and Spakovsky have been pushed out of the department. The current attorney general, Michael Mukasey, claims that the damage these men caused has been largely repaired. The hiring process has been substantially depoliticized, he says, and serious career professionals are once again in place as section heads. Mukasey has done little or nothing, of course, to weed out the ranks of Republican foot soldiers already appointed to lower-level department jobs. Still, most observers give him some credit for cleaning up the most embarrassing parts of the mess.

Nagging questions remain, however. The Republicans have literally rewritten the rule book on pursuing election-related prosecutions. It used to be a matter of professional honor never to make any move or announcement that risked affecting the outcome of a vote. But the new rules, issued last year, merely caution prosecutors "in most cases" to hold off from launching fraud-related investigations until an election is over—in other words, leaving the judgment to the discretion of individual US Attorneys.

The new rules also leave open the possibility of election-eve inquiries into voter registration drives, and they declare open season even on isolated instances of individual voter fraud—a problem once viewed as too insignificant to be worthy of federal involvement.

Former DoJ staffers say they expect to see widespread challenges to voter registration groups and to individual voters on election day.

All this is an invitation to election-tampering by Justice staff come November. As Gerry Hebert put it, "One can easily imagine cases in 2008 where individual voters are indicted in the days just before the election and the indictments are highlighted with a DoJ press release, and immediately followed by a press release of a political party championing the indictments." This is, in fact, exactly what happened in 2006 in Kansas City. Schlozman indicted voter registration activists from ACORN, the low-income advocacy group, just days before the election, and the episode was immediately seized upon by the state Republican Party, which was fighting tooth and nail to hold on to Jim Talent's Senate seat. It wasn't enough to win the Republicans the election, but that was clearly its intent.

Several of the former career staffers said they expect to see widespread challenges to voter registration groups in the run-up to November, and to individual voters on election day in Democrat-heavy precincts—and suspect that some of those challenges could be backed by the Justice Department. ACORN is taking no chances this time—checking and rechecking the validity of the registration forms it collects, intensifying field-worker training and sitting down with local election officials to avoid needless antagonism.

But it's also a question of what the department doesn't do. If it does nothing to deter voter intimidation, or to thwart attempts to suppress the minority vote through caging and other techniques, that could be as damaging as launching prosecutions, according to Kristen Clarke, director of the NAACP Legal Defense Fund's political participation group. "We've seen [these tactics] in the past," she said. "We can expect to see them again in November." She worries that if Justice cuts back the number of staffers sent to the Deep South, say, or if

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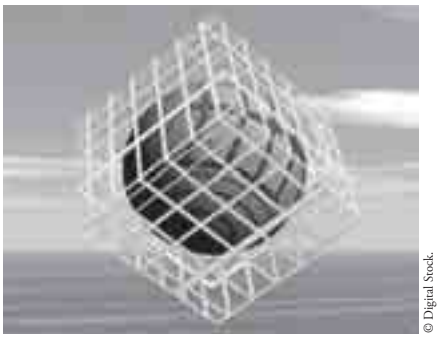

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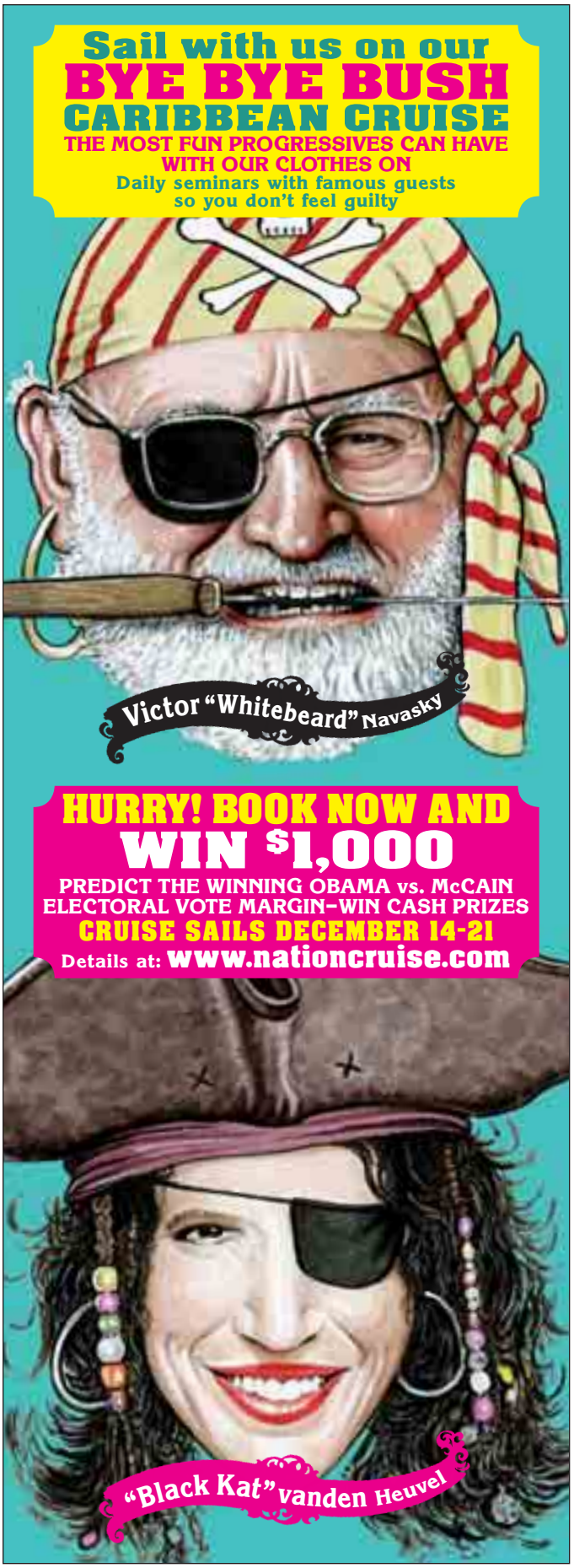
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it sends in federal prosecutors on the lookout for voter fraud rather than lawyers from the civil rights division charged with protecting the right to vote, that could send a strong signal to those seeking to suppress the black vote.

"There is absolutely a role for the department to play to prevent the potential disenfranchisement of voters," Clarke said. "But it's unclear at this point what the department will do."

No matter what happens in November, the new administration will face the task of undoing the damage inflicted during the Bush years. Institutionally, the department may never have been at such a low ebb. "The department used to be such a beacon," said Melanie Sloan, a former prosecutor and the director of the anticorruption group Citizens for Responsibility and Ethics in Washington. "If you were a Justice Department lawyer, the assumption was you must be good and smart. That's not true anymore."

Perhaps surprisingly, most career lawyers do not think it will be too hard for the new administration to flush out the political hires catapulted into career positions. It is true that these people cannot be fired, but the consensus appears to be that if a new attorney general appoints a few well-chosen section heads, they could induce most of the dead-weight lawyers to leave before their incompetence leads to potentially career-killing performance reviews. Those who stay could be penned in. "In any bureaucracy, 10 percent of the people do 90 percent of the work," said a lawyer close to the Obama campaign. "If people don't leave, you can just assign them to sorting paper clips." But an attempt like this to clean house is likely to attract its own share of accusations of politicization—raising the question of how the department can hope to restore its reputation for professional adherence to the law.

Other Bush-era changes may have more staying power. Even if a President Obama ditched the official endorsement of waterboarding or restored the full authority of the FISA courts—far from certain—it is less likely that he would willingly give up all the expanded executive powers established during the Bush years and endorsed by Justice's Office of Legal Counsel. Career lawyers suggest that even relatively modest steps, like restoring the old policy of maximum openness when handling Freedom of Information Act requests, might face more resistance from Obama than some of his supporters would like to think.

The next president will inherit a Justice Department that has fatally lost its independence from the White House. It used to be that only three Justice Department officials—the attorney general, his chief of staff and his deputy—were allowed to talk to the White House, the idea being to avoid the appearance and real risk of a conflict of loyalties on tough legal issues.

Bill Clinton loosened that policy a little, and George W. Bush turned the trickle into an avalanche: at one point more than 900 people were authorized to talk to either the White House or other officials from the executive branch. Gerry Hebert calls this "a recipe for disaster."

We've seen the consequences under this administration. Not only has the Justice Department been toothless in restraining Bush's wilder ambitions; it has also acquiesced in his decision to ignore subpoenas from Congressional oversight committees, hobbling efforts to expose illegal behavior by government officials. "On that theory," Bruce Fein said, "Nixon could have muzzled John Dean, and we wouldn't have cracked Watergate." ■

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McCain's Kremlin Ties

He may talk tough against Russia, but his advisers have advanced Putin's imperial ambitions.

by MARK AMES AND ARI BERMAN

Over the course of the presidential campaign, John McCain has repeatedly emphasized his willingness to stand up to Russian Prime Minister Vladimir Putin as proof that only he possesses the fortitude and judgment to become the next leader of the free world. In his acceptance speech at the Republican convention, McCain lashed out at Putin and the Russian oligarchs, who, "rich with oil wealth and corrupt with power…[are] reassembling the old Russian Empire." McCain rushed to publicly support the Georgian republic during its recent conflict with Russia and amplified his threat to expel Moscow from the G-8 club of major powers. His running mate, Sarah Palin, suggested in her first major interview that the United States might have to go to war with Russia one day in order to protect Georgia—the kind of apocalyptic scenario the United States avoided during the cold war.

Yet despite McCain's tough talk, behind the scenes his top advisers have cultivated deep ties with Russia's oligarchy—indeed, they have promoted the Kremlin's geopolitical and economic interests, as well as some of its most unsavory business figures, through greedy cynicism and geopolitical stupor. The most notable example is the tale of how McCain and his campaign manager, Rick Davis, advanced what became a key victory for the Kremlin: gaining control over the small but strategically important country of Montenegro.

According to two former senior US diplomats who served in the Balkans, Davis and his lobbying firm, Davis Manafort, received several million dollars to help run Montenegro's independence referendum campaign of 2006. The terms of the agreement were never disclosed to the public, but top Montenegrin officials told the US diplomats that Davis's work was underwritten by powerful Russian business interests connected to the Kremlin and operating in Montenegro. Neither Davis nor the McCain campaign responded to repeated requests for comment. (Davis's extensive lobbying work, especially on behalf of collapsed mortgage giants Fannie Mae and Freddie Mac, has already attracted critical media scrutiny.)

At the time, Putin wanted to establish a Russian outpost in the Mediterranean, and Montenegro—a coastal republic across the Adriatic from Italy—was seen as his best hope. McCain also lobbied for Montenegro's independence from Serbia, calling it "the greatest European democracy project since the end of the cold war." For McCain, the simplistic notion of "independence" from a country America had gone to war with in the late 1990s was all that mattered. What Montenegro looked like after independence seemed not to interest him. This suited

DMITRY ASTAKHOV/AP

Russian President Vladimir Putin and metals oligarch Oleg Deripaska, 2006

Putin just fine. Russia had generally sided with Serbia against the West during the Balkan wars of the 1990s, but for the Kremlin, cutting Montenegro free from Serbia meant dealing with a Montenegro that could be more easily controlled. Indeed, today, after its "independence," Montenegro is nicknamed "Moscow by the Mediterranean." Russian oligarchs control huge chunks of the country's industry and prized coastline—and Russians exert a powerful influence over the country's political culture. "Montenegro is almost a new Russian colony, as rubles flow in to buy property and business in the tiny state," Denis MacShane, Tony Blair's former Europe minister, wrote in *Newsweek* in June. The takeover of Montenegro has been a Russian geostrategic victory—quietly accomplished, paradoxically enough, with the help of McCain and his top aides.

In mid-September *The Nation*'s website published a photo of McCain celebrating his seventieth birthday in Montenegro in August 2006 at a yacht party hosted by convicted Italian felon Raffaello Follieri and his movie-star girlfriend Anne Hathaway. On the same day one of the largest mega-yachts in the world, the Queen K, was moored in the same bay of Kotor. This was where the real party was. The owner of the Queen K was known as "Putin's oligarch": Oleg Deripaska, controlling shareholder of the Russian aluminum giant RusAl, currently listed as the ninth-richest man in the world, with a rap sheet as abundant as his wealth. By mid-2005 Deripaska had already virtually taken control of Montenegro's economy by snapping up its aluminum plant, KAP—which accounts for up

Mark Ames, former editor of the Moscow newspaper The eXile, *is the author of* Going Postal. *Ari Berman is a* Nation *contributing writer and a fellow at The Nation Institute.* *Research support was provided by the Puffin Foundation Investigative Fund at The Nation Institute.*

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to 40 percent of the country's GDP and some 80 percent of its export earnings—in a nontransparent privatization tender strongly criticized by NGO watchdogs, Montenegrin politicians and journalists. *The Nation* has learned that Deripaska told one of his closest associates that he bought the plant "because Putin encouraged him to do it." The reason: "the Kremlin wanted an area of influence in the Mediterranean."

In mid-2005 Ambassador Richard Sklar, the former lead US official in the Balkans, ceased advising the Montenegrin government (he'd worked as a pro bono adviser after leaving the US diplomatic service) when it became clear the plant was being handed to Deripaska under heavy Russian pressure. "I quit because it was a bad deal, not for any political reasons. The Russians scared all the other buyers off. They offered far too little money and got themselves a sweetheart deal."

Russia's virtual takeover of Montenegro was well under way by January 2006, when Rick Davis introduced Deripaska to McCain at a villa in Davos, Switzerland. They met again seven months later, at a reception in Montenegro celebrating McCain's birthday, as reported in the *Washington Post*.

Russia's virtual takeover of Montenegro was a key geostrategic victory—and it was achieved with the help of McCain and his top aides.

The story of how Oleg Deripaska, 40, rose from a Cossack village to become a Putin-blessed aluminum tycoon with an estimated $40 billion fortune does not begin with a lemonade stand and old-fashioned elbow grease. Like most post-Soviet success stories, Deripaska's rise began abruptly and violently, during the chaotic reign of Boris Yeltsin. Among all the battles for control of valuable state assets in the 1990s, none were as bloody as the "aluminum wars," in which organized-crime gangs hired by competing interests assassinated dozens of executives, shareholders and bankers. During a visit to the United States in 1995, Deripaska threatened the lives of two aluminum rivals, Yuri and Mikhail Zhivilo, according to a RICO lawsuit filed against Deripaska in New York district court in 2000. The RICO case is just one of many lawsuits, including one filed in Israel by a former business partner claiming that Deripaska illegally wiretapped an Israeli cabinet minister. In addition, German prosecutors have begun a criminal money-laundering investigation in Stuttgart. (Deripaska did not respond to requests for comment.)

Deripaska understands that success in Russia today comes from a mixture of brute force, political influence and personal connections. In 2001, about a year after Putin signed a decree granting legal immunity to Yeltsin's family, Deripaska married Yeltsin's granddaughter, thereby cementing his own immunity and power. Throughout Putin's reign, Deripaska has adhered to an unwritten understanding between Putin and the oligarchs: as long as they support the Kremlin, they can operate with impunity. Deripaska has thus taken on numerous projects dear to Putin, such as building a new airport in Sochi for the 2014 Olympics and buying out Tajikistan's aluminum plant to help Putin reassert control over that key ex-Soviet republic. Deripaska openly admits that his RusAl holdings are subservient to the Kremlin's wishes, telling the *Financial Times* last year, "If the state says we need to give it up, we'll give it up."

Yet Deripaska faced a serious obstacle to his business ambitions, hampering his duties as a Putin surrogate. Because of numerous accusations of involvement in death threats, extortion, racketeering and money laundering, he had been barred from entering America since 1998. Putin has lobbied for Deripaska's US visa. In an interview with *Le Monde* earlier this year, Putin complained, "I have asked my American colleagues why. If you have reasons for not delivering him a visa, if you have documents on illegal activities, give us them.... They give us nothing, explain to us nothing, and forbid him from entry."

The visa ban was costing Deripaska billions: for years he and fellow RusAl shareholders had sought to cash in their wealth by launching an IPO in London, which could have netted up to $10 billion for RusAl's owners. However, finding institutional buyers would be difficult if not impossible as long as RusAl's primary owner was barred from entering the United States.

Despite rampant Russophobia among Republicans, Deripaska turned to powerful GOP figures to solve his problem—especially to Republicans connected with McCain. In 2003 Deripaska hired former presidential candidate Bob Dole, who had nearly picked McCain as his running mate, and Dole's lobbying partner Bruce Jackson (also a McCain aide) to lobby the State Department to overturn the visa ban. Over the next few years Dole's firm, Alston & Bird, was paid more than $500,000 to push for Deripaska's visa.

Deripaska also reached out to a Washington-based intelligence firm, Diligence, chaired by GOP foreign policy hand Richard Burt, McCain's top foreign policy adviser in 2000 and an adviser in '08 (Burt left Diligence in 2007 to join Henry Kissinger's consulting firm). Deripaska's business partner in London, Nathaniel Rothschild, an heir to the English Rothschild fortune, bought a stake in Diligence, according to the *New York Times* and confirmed by a Rothschild spokesman. The firm offered Deripaska many useful services: corporate intelligence gathering, visa lobbying through considerable GOP connections and, crucially, help in obtaining a $150 million World Bank/European Bank for Reconstruction and Development loan for a Deripaska subsidiary, the Komi Aluminum Project. Getting the loan was useful in providing a layer of comfort to Western investors skittish about RusAl. So Diligence, now partly owned by Rothschild, provided a "due diligence" report to the World Bank, which the Bank then used to approve its loan to Deripaska.

Not surprisingly, the lobbying worked: in December 2005 Deripaska was issued a multientry US visa, according to the State Department. During his brief stay he signed his World Bank loan, spoke at a Carnegie Endowment meeting and attended a dinner for Harvard University's Belfer Center, where, thanks to a generous donation, he became a member of its international council.

However, Deripaska's trip did not end well. Under the visa's terms, he was forced to endure lengthy FBI questioning. Ac-

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cording to the mining-industry newsletter *Mineweb*, the list of his enemies had grown from jilted former business partners to the heads of powerful US metals companies and government officials unhappy with RusAl's control of key Third World bauxite mines, which threatened beleaguered US aluminum giants. The interview went badly—according to people who know him, Deripaska had little patience for prying bureaucrats. When he left the country, the visa ban was reinstated. Once again Deripaska turned to powerful Republicans—this time, to McCain and campaign manager Davis, who arranged the January 2006 Davos introduction. The McCain campaign later claimed that "any contact between Mr. Deripaska and the senator was social and incidental," but afterward Deripaska thanked Davis for arranging "such an intimate setting." The *Washington Post* reported that Davis was "seeking to do business with the billionaire." Indeed, Deripaska's subsequent thank-you letter mentioned his possible investment in a metals company Davis represented through a hedge-fund client.

If you're wondering how Deripaska came to know Davis & Co., the answer lies in Russia's next-door neighbor Ukraine.

In December 2004 Ukrainians poured into the streets of Kiev and other cities in the peaceful "Orange Revolution," which overthrew a Putin-backed corrupt leader, Viktor Yanukovich, who had tried to steal the country's presidential election that year (during which the pro-Western opposition candidate, Viktor Yushchenko, was poisoned and almost died). It was a serious blow to Russia's geopolitical standing.

Putin's Ukrainian proxies were also in trouble. Shortly after the Orange Revolution, a murder investigation was launched against the country's richest oligarch, Rinat Akhmetov, Yanukovich's main backer. Akhmetov fled the country. In exile in Monaco, he turned to Davis's business partner, Paul Manafort—the second name in the lobbying firm Davis Manafort. An old GOP hand, Manafort, like Davis, had played a key role in Dole's failed 1996 presidential run and had worked for dictators like Ferdinand Marcos of the Philippines and Mobutu Sese Seko of Zaire. Akhmetov initially hired Manafort to improve the image of his beleaguered conglomerate, SCM, but soon Manafort's role shifted to helping Yanukovich.

Manafort assembled a skilled team of political operatives in Ukraine and set about raising the popularity of Yanukovich's pro-Russian Party of Regions, which Akhmetov financed. It was a very lucrative deal for Davis Manafort—and successful (according to Ukrainian investigative journalist Mustafa Nayem, Akhmetov paid Manafort upward of $3 million). Yanukovich's disgraced party won a resounding victory in the March 2006 elections—and Akhmetov returned as the top Ukrainian oligarch. Thanks in part to the work of Davis Manafort, the Orange Revolution was essentially undone, putting Putin back in the chess match over Ukraine's future.

Publicly McCain and his campaign chief's lobbying firm were on opposite sides. In 2005 McCain had nominated Orange Revolution hero Yushchenko for the Nobel Prize, and that spring he'd honored Yushchenko in the headquarters of the International Republican Institute, whose board McCain has chaired since 1993. But behind the scenes the former head of IRI's Moscow office, Philip Griffin, was recruited by Manafort to work on Yanukovich's campaign against Yushchenko. Davis

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Manafort's work was considered so detrimental to US interests that a National Security Council official called McCain's office to complain, according to the *New York Times*. The McCain campaign denies receiving the NSC complaint.

But the firm's work was only just beginning. The same month Davis Manafort helped deliver this victory to Putin's proxies, it started work on another key Kremlin success story: an independent and Russia-dominated Montenegro.

First, a little history. Montenegro was the smallest of the former Yugoslavia's six republics. When Slobodan Milosevic was overthrown in October 2000, Montenegro's longtime strongman, Milo Djukanovic, figured the West would reward him by supporting his push for independence. But the European Union and the United States opposed Montenegro's secession, which they feared would undermine the new, pro-Western leaders in Serbia and bring more war. So under heavy pressure from the EU, an agreement was struck in 2002 putting off an independence referendum for at least three years.

McCain campaign manager Rick Davis worked closely with allies of Oleg Deripaska, one of Russia's most notorious and ruthless oligarchs.

Djukanovic then looked beyond the West for support. That same year his closest ally and mentor, Milan Rocen, was dispatched to Moscow as ambassador of the Serbia-Montenegro confederation. Rocen nurtured ties to Putin's Russia, and by 2005 the biggest Montenegrin industrial asset, the KAP aluminum plant, was snatched up by Deripaska at Putin's request. After that, Russia surprised everyone by dropping its objections to Montenegrin independence, which Russia's historic ally Serbia vigorously opposed. "There seemed to be a belief that Deripaska and the Russians wanted to gain control of the aluminum plant as part of a Russian move for greater influence throughout Montenegro," says former ambassador Sklar.

Meanwhile, Rick Davis was also eager for a piece of Montenegro's independence, lobbying hard for Davis Manafort to run the referendum campaign. Bob Dole, who has been paid $1.38 million by the Montenegrin government since 2001 to lobby for it in Washington, urged his Montenegrin friends to hire Davis. Whether it was because of Dole or, as some speculate, the Russians, Davis got his deal.

Though Davis has claimed no connection to his partner Manafort's controversial activities in Ukraine, he nevertheless hired at least three specialists recommended by Manafort, from the same team Manafort used for Yanukovich's victory, to work on Montenegro's independence referendum. They included Russian political operative Andrei Ryabchuk, an elections specialist who had previously worked on pro-Putin campaigns in Russia. Ryabchuk told *The Nation* that he was "recruited by Manafort's people" out of Moscow to the Ukraine operation and then on to Montenegro.

Davis's team was vetted by Montenegro's Russian ambassador Rocen, who was returning from Moscow to oversee the independence campaign. Why was Davis hired? The top McCain aide was as much a political symbol as a campaign consultant. "I think the Montenegrins hired Rick to have political cover—it was important to show they had support from the United States," said an American democracy expert who's worked in Montenegro. Though disclosure is required by Montenegrin law, Davis Manafort's contract with the ruling Montenegrin party was never publicly released. In addition, Djukanovic's party never listed payments to Davis Manafort on its election filings, lending credence to private claims by top Montenegrin officials that Russian business interests paid for Davis's work through hired third parties, an oft-used though illegal tactic in Eastern Europe to disguise money trails.

At key points in the campaign, Davis reached out to Deripaska's allies for help. With the referendum too close to call, the Serbs tried to sway public opinion by threatening to revoke scholarships and other education privileges of Montenegrin students if the country should secede. This caused a panic—so to counter the Serbs, Davis turned to Deripaska emissary Nathaniel Rothschild (Rothschild has reportedly become the richest of all the Rothschilds, thanks to his privileged role as a Deripaska adviser).

Three weeks before the independence referendum, Davis asked Rothschild to come to Montenegro. After arriving in his private Gulfstream jet, Rothschild was trotted out before the cameras with the Montenegrin prime minister, where he pledged $1 million to support students who might be hurt by Serbia's scholarship threat. Another Deripaska ally brought in to secure the student vote was Canadian billionaire Peter Munk, CEO of Barrick Gold, the world's largest gold-mining corporation (it was Munk who had hosted the Davos meeting between McCain and Deripaska a few months earlier). Munk, who serves on the advisory board of RusAl, delivered pledges of support from Canadian universities.

At the same time Deripaska's allies were employed by Davis, Dole was lobbying McCain to promote Montenegro's independence. Dole's aides held a teleconference with McCain's Senate office when Montenegro's foreign minister visited Washington; shortly thereafter, the referendum passed by a razor-thin 0.5 percent. In April 2006 McCain announced that Montenegro's independence was the "greatest European democracy project since the end of the cold war." Despite opposition cries of vote rigging, the United States and other major powers accepted the results—and Putin's Russia recognized newly independent Montenegro before the EU did.

A few months after the vote, McCain and a contingent of GOP senators visited Montenegro. The day before they arrived, Djukanovic had flown to Putin's dacha on the Black Sea. "Your government made it possible for large-scale Russian investments," Putin told the Montenegrin leader. Djukanovic then returned to Montenegro and warmly received McCain, who also met with the Montenegrin president, speaker of Parliament and opposition leader Predrag Bulatovic. Bulatovic told McCain about how Russian capital was taking over the country and of his concern that "this investment can have a negative impact on the democratic process." McCain listened but kept criticism of

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Russia to himself. Meanwhile, Davis was still in the country, helping Djukanovic's Russia-allied party win the upcoming parliamentary elections. (At the time, Djukanovic was under investigation by Italian prosecutors for cigarette smuggling and "Mafia-type activities.")

Soon after the referendum, the powerful figures behind Montenegro's independence were carving up the country. That summer Rothschild started discussions with top Montenegrin officials about gaining control of the valuable shoreline, including the half-billion-dollar Porto Montenegro project, which aims to become the world's top mega-yacht marina, complete with luxury hotels, shopping and the country's first eighteen-hole golf course. The property was handed to the Munk-Rothschild–fronted offshore consortium for a pittance, according to MANS, the local NGO partner of Transparency International, in yet another backroom deal. Eventually, Deripaska's role in Porto Montenegro, which was initially secret, was formally acknowledged, although the full list of owners is still a mystery. Deripaska is also developing an 8 billion-euro resort in southern Montenegro and seeking control of a coal mine and a thermal power plant.

Roughly two years later, in March of this year, Rothschild hosted a high-dollar fundraiser for McCain at London's posh eighteenth-century Spencer House, which Rothschild donated for the occasion. Given the close relationship between Rothschild and Deripaska, some speculated that Deripaska was the hidden hand behind the event. The conservative watchdog group Judicial Watch filed a complaint with the Federal Election Commission, alleging that the fundraiser amounted to an illegal contribution by foreign nationals to McCain's campaign.

Aside from a little campaign dough, what has McCain gotten out of all this? It's hard to tell—either he was utterly clueless while his top advisers and political allies ran around the former Soviet domain promoting the Kremlin's interests for cash, or he was aware of it and didn't care. McCain was reportedly so angry about Davis Manafort's role in stifling Ukraine's Orange Revolution that he almost removed Davis as campaign manager. But in the case of Montenegro, he should have known what Davis & Co. were up to. After all, McCain lent a helping hand. And by the time he visited the country, the Russian takeover was plain to see.

The story of how McCain's closest aides and employees have been undermining his vociferously expressed opposition to Putin and Russia's oligarchs offers a highly disturbing preview of what a McCain administration might look like. When McCain's campaign proclaims "country first," one has to wonder, Which country? The one with the highest bidder? ■

China's Quest for Moral Authority

There is an enormously rich classical tradition from which to draw new forms of governance.

by ORVILLE SCHELL

The Beijing Summer Olympic Games are long since over, and the vortex of criticism, demonstrations, ceremonies, pollution concerns, acclaim and gold medals that swirled around China for months has subsided. In the process China's world image was changed. By deftly using the games to draw a symbolic line between its past and what the world must hope will be a brighter future, China managed to project itself globally as a nation reborn from poverty, war, revolution and self-inflicted catastrophe and to rebrand itself as an emerging superpower approaching *fuqiang* (wealth and power).

If China has finally managed to escape much of its old stereotype, what else remains for it to do during the next stage of its incomplete Long March?

The Historical Dilemma

Ever since the arrival on the south China coast of superior British gunboats in the mid-nineteenth century, Chinese intellectuals and leaders have had to struggle with the challenge of their country's weakness and the question of how to restore it to a state of *fuqiang*. This quest gained more urgency as the West forced China to sign a series of unequal treaties. China reached a nadir of self-confidence after imperial Japan defeated the Qing Dynasty in the Sino-Japanese War of 1895 and went on in the 1930s and '40s to occupy large portions of China. Japan was part of

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Confucius Ceremony in Hong Kong, 2007

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the sorry process of foreign powers *guafen* (slicing up China like a melon).

At the turn of the last century Yan Fu, a reformist intellectual who grappled with the conundrum of why the West possessed such abundant "Promethean energy" while China remained paralyzed by lassitude, despairingly cried out in an essay titled "On Our Salvation," "Unless China reforms, it must die!"

During the twentieth century, this yearning to see China regain stature and respect became an almost obsessional leitmotif in political thought. Indeed, the state of humiliating defenselessness to which China had been reduced was one of the motor forces driving Mao's extremist revolution. Beneath all the ideology and turmoil Mao engendered, what even he sought was a new socialist *fuqiang*—or at least a simulacrum of such wealth and power—as a way to re-imbue the Chinese people with a sense of pride in their country. Despite his egomaniacal destructiveness, he did recognize their thirst to see China restored to centrality and greatness.

Having sidelined Mao and all he propounded, China has nearly "reunified the Motherland" (with Hong Kong and Macao returned and only Taiwan still aloof), enjoyed almost two decades of 10 percent annual growth in GDP, become one of the world's most dynamic trading partners, modernized its military significantly, launched an ambitious space program and hosted a largely triumphant Olympic Games. It has not only reached a major milestone in its century-and-a-half hegira from poverty and weakness to wealth and power; it has also managed to relaunch itself before the world in one of the most spectacular public relations campaigns in history.

Yet, missing from the Chinese government's new portfolio of accomplishments is moral authority. China, replete with human rights abuses at home and allied with many of the world's unsavory regimes abroad—from Gen. Than Schwe in Burma and Kim Jong Il in North Korea to Omar al-Bashir in Sudan and Robert Mugabe in Zimbabwe—needs an ethical rebirth to accompany its economic one. Unfortunately, its old Marxist-Leninist canon is thoroughly inadequate to the task of inspiring a truly modern, open and prosperous China.

Confucianism

Fortunately, the Chinese have indigenous sources for regeneration of a more principled and ethical form of statecraft. Indeed, they possess an enormously rich classical tradition from which it is possible to imagine leaders extracting the basis for a new and more morally convincing, although probably not completely democratic, form of governance. What's more, President Hu Jintao and Premier Wen Jiabao have already begun to tap into this aquifer of tradition for elements—perhaps it would be more accurate to call them glosses—of their evolving notions of statecraft.

The most demonstrable manifestation of this interest came in a new emphasis on the importance of the Confucian idea of *he* (harmony) in a stable society. Although Mao had been irrevocably dedicated to emphasizing social contradictions and class struggle—famously declaring that "a revolution is not a dinner party" but "an insurrection, an act of violence by which one class overthrows another"—Hu suddenly began stressing the far more pacific goal of harmonizing conflicting groups in Chinese society.

His first public flirtation with this most un-Marxist notion came in a 2005 speech, when, increasingly worried by the fracture points he saw opening up in Chinese society, he declared, "Confucius said, Harmony is something to be cherished." A few months later he went on to urge Communist Party officials to "increase capacity to build a socialist harmonious society."

As soon as Hu uttered the words "harmonious society," *hexie shehui*, the new slogan went viral. In March 2007 Premier Wen proclaimed, "From Sun Yat-sen to Confucius, the traditional culture of the Chinese nation has numerous precious elements." All over China, party cadres began jumping on the harmony bandwagon, so that soon almost any idea, article, conference, theory or project could win favor simply by being introduced by and joined with this new, almost sacred mantra. It was a reminder that, in China, Big Leader culture was still far from dead!

The interaction of Confucianism and Legalism during earlier eras imbued Chinese statecraft with a certain hybrid vigor.

Even the celebrated filmmaker and director of the opening ceremonies at the Beijing Olympic Games, Zhang Yimou, found the siren song of this slogan irresistible. As all the world saw on television, Zhang emblazoned the harmony character *he* on a dancing tile as part of an animated mosaic that rivaled Las Vegas for choreographic extravagance (although Tibetans might have been excused for wondering how they fit into this almost orgiastic celebration of "harmony").

Confucianism, which served as the basis for imperial rule in China, emphasized harmony. Indeed, the idea of the mythic time when *tianxia weigong* (a public spirit ruled all under heaven) has enormous historical resonance for the Chinese. But Confucianism also stressed frugality, righteousness, justice and the value of dissent. "Riches and honor without justice," said Confucius in the *Analects* of Mencius, "are to me as fleeting clouds."

In Confucian political philosophy, *de* (moral suasion) was perhaps the most important quality of a good leader. And the Sage viewed moral suasion as emanating from the deportment of what he called a *junzi* (an upright gentleman), an idealization of a good ruler that is similar to Plato's notion of a philosopher-king. As Confucius put it, a good ruler must be "synonymous with righteousness. If a king is righteous, how could anyone dare be crooked?"

Confucius held that a *junzi* ruled not by means of harsh laws, coercion and autocracy but through benevolence, virtue and the projection of a stellar ethical example that would inexorably radiate throughout the land. "If you desire what is good, the people will be good," he said. "The moral power of a *junzi* is like the wind, while the moral power of the com-

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mon people is like the grass. When blown, the grass cannot but bend before the wind."

Confucius believed that moral power would come from the study of the classics and an understanding of the deportment of the ancient sage kings, whom he venerated. "He who rules by virtue is like the polestar, which is unmoving in the firmament while all other stars revolve respectfully around it," he said.

In many ways, the Confucian prescription for ethical behavior as the basis of wise rule was akin to the humanism espoused by French Enlightenment thinkers. Unlike Maoism, which believed in class-based rather than universal values, Confucian and Enlightenment thinkers held that there were innate, universal virtues and rights embodied by all human beings. "Never for a moment does a *junzi* part from humanity. He clings to it through trials, he clings to it through tribulations," declared Confucius.

Beijing's current leaders seem to have sensed the moral vacuum into which Chinese politics has fallen. They have also evinced a readiness to look to China's past rather than the outside world for remedies. After all, Confucianism is uniquely Chinese and already coded into China's cultural DNA, whereas the adoption of any Western political theory, especially democracy, would come freighted with imputations of surrender to foreignism.

Legalism

By emphasizing the soft power of moral suasion rather than the hard power of coercive authority, Confucianism's idealism was admittedly not always up to the task of providing an effective ideology for hard-nosed leadership, especially during times of trouble and disunity. It was not surprising, then, that ancient China also gave birth to other very different schools of political thought. One of these was Legalism, or *fajia*, which by emphasizing centralized state power, strong leadership, strict laws and harsh punishment for offenders was the antithesis of Confucianism.

Instead of viewing human beings as essentially good and thus subject to influence by moral example, Legalists viewed them as basically craven. Consequently, they viewed as naïve any leader who put faith in moral suasion as a way of keeping order among unruly humans. Instead of platitudes about virtue, Legalists put their trust in laws, a strict system of rewards and punishments, fear and repression. Legalists had no interest in the "transformative power" of exemplary rulers humanely governing through manifestations of Confucian virtue. For them, such talk was just vain philosophizing.

The smart leader, wrote Han Fei, the third-century BC philosopher who became Legalism's best-known exponent, "does not speak about deeds of humanity and righteousness, and he does not listen to the words of learned men." By "learned men," Han Fei meant the likes of Confucian *junzi*.

"He who rules a country does not concern himself with virtue but with law," wrote Han Fei. And by "law" he meant punishment rather than justice. This Chinese form Machiavellianism counseled rulers to trust no one, to be suspicious of everyone's intentions and to shroud themselves in veils of secrecy. "From your place of darkness, observe the defects of others," wrote Han Fei. "See, but do not appear to see; listen but do not seem to listen; know but do not let it be known that you know. Hide your tracks and conceal your sources, so that your subordinates cannot trace the springs of your action. Discard wisdom and forswear ability so that your subordinates cannot guess what you are about."

The Legalist school of statecraft became the inspiration for China's first unifier and emperor, Qinshi Huang, whose tomb contained the well-known army of protective terra cotta soldiers, symbols of his fixation on constabulary power—even for the afterlife.

It was Han Fei who made one of the earliest mentions of *fuqiang*. "The enlightened ruler must master the arts of wealth and power," he declared, making it clear that one of the primary responsibilities of any ruler is to "enrich the state and strengthen its military power."

Such an amoral conception of statecraft was the antithesis of Confucius's moralism. As Confucius scornfully observed, "Whereas the superior man comprehends *yi* (righteousness), the small man only comprehends *li* (profit)." Confucians had only contempt for what the celebrated Harvard intellectual historian Benjamin Schwartz, in his marvelous book *In Search of Wealth and Power: Yen Fu and the West*, described as the "brutal and callous 'wealth and power' philosophy" of Legalism.

Of course, Han Fei and the Legalists were equally contemptuous of Confucius. "When the Confucianists of the present day counsel the rulers," Han Fei wrote, "they do not discuss the way to bring about order now, but exalt the achievement of good order in the past. Sugar-coating their speech, the Confucianists say: 'If you listen to our words, you will be able to become the leader of all feudal lords.' Such people are but witches and priests."

Although other schools of thought, such as Buddhism and Taoism, also developed in ancient China, Legalism and Confucianism were far more down-to-earth, so they came to have a special yin/yang relationship, each waxing and waning in influence during different dynasties and imperial reigns. The result was that this interaction gave imperial governance a mix of ethical legitimacy and political realism, imbuing Chinese statecraft with a certain hybrid vigor.

The past six decades of socialist-driven, followed by market-driven, autocracy have leaned more heavily for inspiration on Han Fei and the Legalists than on the Confucianists. Leninist revolutionaries like Mao were fascinated by Qinshi Huang; Marxist-Leninist-Mao Zedong Thought, which seemed like the quickest way to catalyze China from war and chaos to "wealth and power," borrowed many elements from Legalism.

But now, as attainment of China's quest for centrality and respect, as well as *fuqiang*, seems close at hand, leaders find themselves at a critical juncture. China, having impressed the world with its economic development, enters the next chapter of its odyssey to great nation status, which will require it to diversify its portfolio of goals to include all the elements that make for true national greatness. In China's case, moral authority is one of the most important, and still elusive, ingredients.

This lacuna will become increasingly evident for Beijing's leaders. A way forward would be for them to start acting more out of China's Confucian, rather than its Legalist, tradition.

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Indeed, with the Chinese government setting up Confucius institutes around the world, TV shows explaining and extolling the teachings of the Sage and one scholar calling for a Confucian Socialist Republic in China, it seems that something of a moment has arrived.

Of course, before any contemporary leader becomes too intoxicated with the idea of a Confucian makeover, he would be wise to reflect on Confucianism as a whole. For while Confucius did embrace the notion of harmony as an ideal, he also preached that upright officials must dare to remonstrate with their superiors rather than risk seeing them go unchallenged and astray. As Confucius put it, "A *junzi* seeks harmony, but not conformity, while a vulgar man seeks conformity, but not harmony."

It may seem gratuitous, even hypocritical, for an American—particularly at this moment in history—to make judgments about the moral failings of another country, like China. But the question of moral authority is something with which Americans have had no small acquaintance. With historical pretensions to being the shining "city upon the hill," the United States has sometimes possessed impressive powers of moral suasion, as large a quotient as any other modern nation. However, during the past decade Americans have seen their moral stature melt away before their eyes. So on this vexing issue, America and China find themselves, paradoxically, in something of a state of parity.

Whether Hu Jintao or Wen Jiabao, both of whom have an affection for the Chinese classics, can become latter-day *junzi* by borrowing from Confucianism; whether some kind of meaningful neo-Confucian revival of ethical values can be exhumed from the graveyard to which Mao's revolution consigned almost all traditional Chinese culture—much less be grafted onto the crypto-Marxist/Leninist/capitalist system of China's one-party rule—is uncertain. But China's current attention to Confucianism suggests that the Chinese themselves have begun to feel the moral void from which their government operates.

So as China looks back on the Olympic Games and as the United States looks toward an election, the two countries find themselves arriving at similar places, albeit by different routes. Both are challenged to rediscover in their traditions wellsprings of moral authority capable of fortifying their funds of *fuqiang*—their economic, military and diplomatic might—along with the other subtle but absolutely essential element of true greatness.

Although his book *In Search of Wealth and Power* was published almost half a century ago, Benjamin Schwartz almost clairvoyantly saw the dilemma facing China and the United States today: "The problem of the relation between the Faustian religion of the limitless pursuit of wealth and power and the achievement of social and political values—even more fundamental human values—remains a problem for us as much as for them." ■

Letters

(continued from page 2)

do not have picnics in the prison yard.

Come on, Eric Alterman, *Nation* readers expect more critical insight and less hiding behind "just the facts, ma'am." You drank the Kool-Aid. Let's get back to critical and insightful journalism.

Eve Spangler

Alterman Replies

New York City

Thanks to Susie Linfield for her kind letter, the large sentiments of which I share. Naturally, I have many differences of perspective with Eve Spangler's letter. I won't take up any of those arguments here except to correct her on one point. Benny Morris did not "advocate" preventive war. He spoke predictively, albeit provocatively, as an analyst, not an advocate.

Eric Alterman

'War Is Personal'

Gwynedd, Pa.

Mike Harmon's ordeal is one of the most moving descriptions I have come across about the mental scars war inflicts [Eugene Richards, "War Is Personal," Sept. 22]. Unfortunately, there seems to be no cure for PTSD, more accurately called "shell shock" in World War I. A veteran of World War II ("the good war"), I continue, at 89, having similar nightmares—doors leading nowhere, lost in some no man's land unable to speak. The greater nightmare, however, is not only the lot of veterans—the ongoing nightmare belongs to the entire nation.

Si Lewen

The Brawn or the Brain?

Madison, Conn.

I read Bernard Avishai's "An Unlikely King" [Sept. 22] with interest, but I was surprised that he considers King Hussein to have been acting out of "uncharacteristic spite" in choosing his "soldier" son, Abdullah, to succeed him rather than his "intellectual" son. Why spite? Isn't it possible that the king thought his eldest son would be the better choice to succeed him? And why does the writer seem to imply that the words "intellectual" and "soldier" are mutually exclusive?

Jennifer Copelin

Avishai Replies

Wilmot, N.H.

The incidents leading to the decision are documented in Shlaim's book and were well known at the time. Hussein chose his son Abdullah without consulting his other son Hassan—the crown prince, who had served him dutifully for thirty-four years—because he sensed that Hassan had begun to comport himself as the sovereign in Hussein's absence (he was being treated for cancer in America). Hussein openly resented this; some say he also believed the army would be more loyal to a soldier. In any case, Hassan had been largely responsible for Jordan's scientific institutions and intellectual capital, and much of its diplomacy with US writers and journalists. He deserved better treatment, if not the crown. As to whether soldiers can be intellectuals, I meant no categorical judgment. I was speaking of these two men.

Bernard Avishai

Correction

"Emily Flake" is the correct spelling of the artist on page 27 of the October 6 issue.

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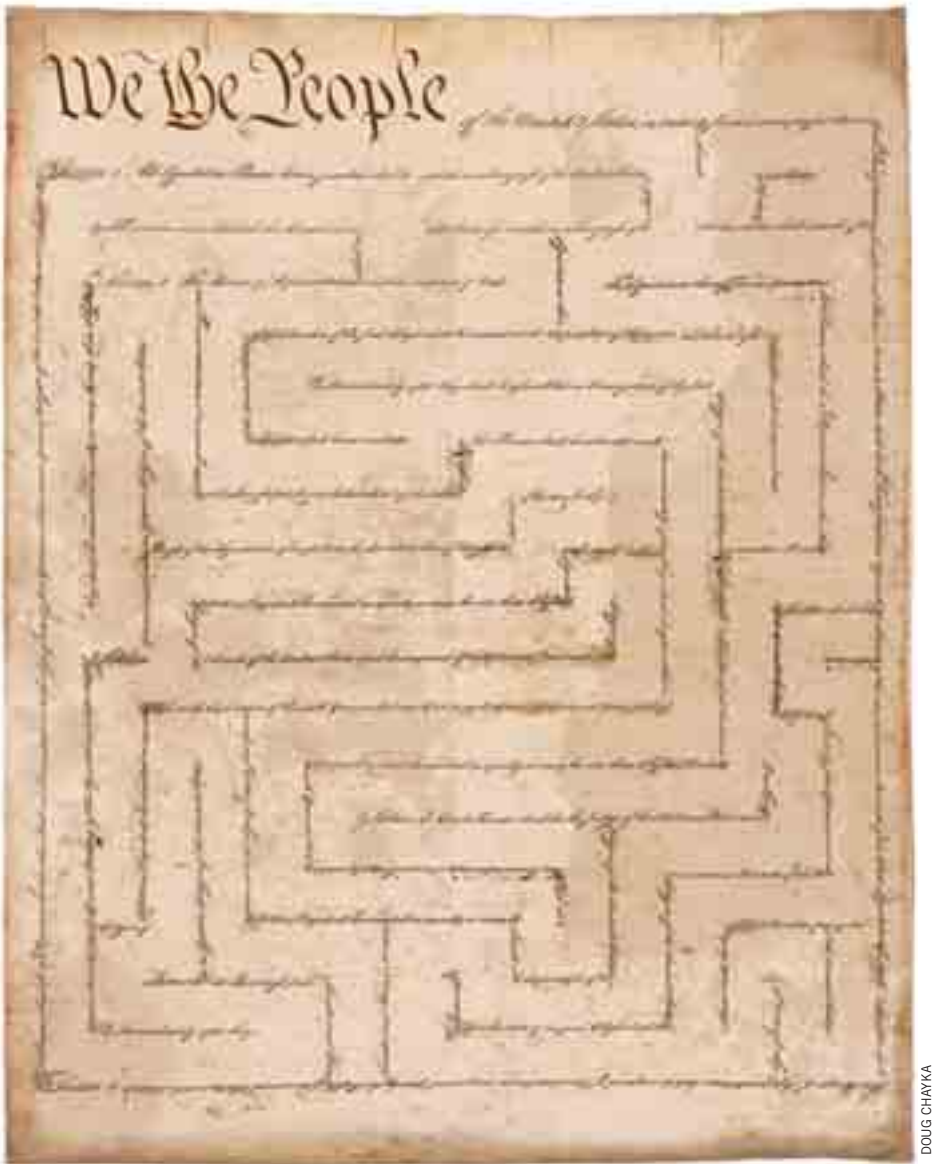
Books & the Arts.

No Exit

by DANIEL LAZARE



DOUG CHAYKA

What does the Constitution mean? This is not a trick question. Yes, the document opens with a stirring Preamble about "We the People" establishing justice and ensuring domestic tranquillity, and when people rally round the Constitution to defend it from the "sappers and miners," in Jefferson's famous phrase, who are forever plotting to take it away (like the Bush Administration Justice Department), the Preamble is their platform. But it is no help in understanding the meaning of the Constitution, because it is not the law in the eyes of the judiciary. The Preamble is merely a warm-up to the law, which is why it is so rarely cited in judicial opinions.

There's also the celebrated Bill of Rights, but it is less help than most people realize, too. Although it's an article of faith that the First Amendment protects free speech, free assembly and a free press, in fact it does none of these things. It merely precludes Congress from interfering with them, a limitation on federal power that was long taken as an invitation to the states to interfere to their hearts' content. The Second Amendment, dealing with the right to bear arms, is a premodern relic, while the Third, prohibiting the peacetime quartering of soldiers, has been irrelevant since the days of the Boston Tea Party. The Fourth Amendment, which protects against "unreasonable searches and seizures," would be nice if it protected against the eavesdroppers at the National Security Agency. But that is no longer the case. The Fourth Amendment is also of little use nowadays in the event the authorities suspect you of exchanging money for sex, visiting certain forbidden websites or stashing an unauthorized herbal product in your cupboard.

Equally perplexing is the smattering of articles between the Preamble and the Bill of Rights, describing the powers of the three branches of the federal government and the states with regard to letters of marque and reprisal, runaway slaves and various other issues. There is Article V, the amending clause, which allows minorities of less than 5 percent to prevent the people from changing so much as a comma in a document created in their name. There is Article VI, establishing the Constitution as "the supreme Law of the Land," meaning that no other law can knock it off its perch. And, finally, there is Article VII, declaring that the Constitution would be considered ratified when approved by nine states, which is odd, since the Articles of Confederation, still in effect at the time, stipulated that no constitutional change was permissible unless approved by all thirteen. One supreme law of the land had just toppled another, which suggests that a third, even more supreme, might still be waiting in the wings.

How could this 221-year-old hodgepodge add up to a charter of liberty, especially considering the ease with which liberty has been subverted in recent years without so much as a word of the Constitution being changed? In *The Invisible Constitution*, Laurence Tribe, the celebrated Harvard professor of constitutional law, tries to address these difficulties by describing the subject of his book's title—an invisible web of supplementary ideas that over the centuries have grown around a written Constitution riddled with "conflicts, gaps, or inconsistencies." Just as a footprint tells us something about the animal that made it, the network of ideas and long-term political principles that make up the invisible Constitution tells us something about the written document as well—its impact on history, the way it has been understood,

The Invisible Constitution
By Laurence H. Tribe.
Oxford. 278 pp. $19.95.

Daniel Lazare is the author, most recently, of The Velvet Coup: The Constitution, the Supreme Court, and the Decline of American Democracy *(Verso). He is currently at work on a book for Pantheon about the politics of Christianity, Judaism and Islam.*

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the expectations it has fostered.

This may seem like a roundabout approach, but Tribe argues that it is necessary because no text can be fully self-explanatory. Not only can a text be contradictory to begin with but words change their meaning over the years, which makes an "intertemporal collage" like the Constitution, one that has been amended as many as twenty-seven times (depending on how you count), an especially tough nut to crack. How are we to figure out how it all fits together—how, for example, the Fifteenth Amendment, which declares that voting rights shall not be abridged "on account of race, color, or previous condition of servitude," affects our understanding of the Fourteenth, which makes no mention of color or race; or how the Fourteenth Amendment, which says that the states must not deny citizens "equal protection of the laws," affects our understanding of the Bill of Rights, which lays out some of the equal protections to which citizens may be entitled? It would be marvelous if the Constitution came equipped with a key showing precisely how each new provision affects the preceding ones. But even if it did, we would all fall to arguing over what the key means and how to interpret it and would end up back where we started.

So we are left with a text that is inexplicable in its own right and therefore can be understood only in some larger context. Since, as Tribe puts it, "the Constitution at every moment depends on extratextual sources of meaning," we must look to history and the surrounding political culture for illumination. What the text says is important, but so is what the people think it says and what they want it to say.

To understand Tribe's approach, consider the question of whether the South had a constitutional right to secede in 1861. An entire nation hung in the balance, which is why Lincoln strove mightily in his first inaugural address to build a constitutional case against secession. But the results were less than overwhelming, and nearly a century and a half later Tribe writes that the antisecessionist argument is still "invisible to the reader of the bare text." Since the Constitution was silent as to whether the Confederacy should stay or go, can any state that currently has a beef with the federal government secede as well? No, says Tribe, because hundreds of thousands of Union soldiers gave their lives in the cause of national unity. The result is a constitutional provision "written in blood rather than ink," one that changes the way we read the document even if it doesn't change a word in the text.

Or consider the Fourteenth Amendment, which the ex-Confederate states were required to adopt as a condition for their readmission to the Union. Since forcing states to approve a constitutional amendment makes a mockery of the amending clause set forth in Article V, does that mean the Fourteenth Amendment is invalid? Once again, says Tribe, the written text is silent. But the invisible Constitution makes it clear that, however irregular the procedure, the nation as a whole imposed it in such a way as to leave no doubt about its permanence. The amendment is valid because the invisible Constitution says it is.

Does the 'invisible Constitution' actually exist, or is it merely an elaborate literary conceit?

Finally, there is the question of whether the Supreme Court is the final arbiter of all things constitutional, something Americans have been arguing about since the days of John Marshall. In December 2000, when he represented Al Gore before the Supreme Court in *Bush v. Gore*, Tribe's position seemed plain enough. When the Court handed down its infamous decision putting an end to the Florida vote count and installing George W. Bush in the White House, Tribe declared, apparently without first consulting his client, "I'm sure that Vice President Gore has the kind of reverence for the Supreme Court as an institution that he will really not undertake to be less than complete and gracious in his acceptance of this result." The Supreme Court was thus the final authority. But having considered the problem a bit, Tribe writes in *The Invisible Constitution* that, "after two centuries of controversy, it's still up for grabs just how 'final' the answers given by the justices really are and ought to be." Nothing has changed as far as the text is concerned. But after eight years of the worst presidency since James Buchanan, the perceptions surrounding it have changed to the point that a settled principle has now been reopened, at least in Tribe's view.

It's the same Constitution, except that it no longer means the same thing. As Tribe observes,

> The visible Constitution necessarily floats in a vast and deep—and, crucially, invisible—ocean of ideas, propositions, recovered memories, and imagined experiences that the Constitution as a whole puts us in a position to glimpse. And what we glimpse—what we come to comprehend and remake in our own time's image—nurtures the living body of governing law, something more vibrant than an inert blueprint for a possible system of government or a set of political exhortations about a conceivable structure for governance constrained by a potential set of rights and privileges.
>
> That swirling sea of assumptions and experiences includes not only the array of "higher law" or "natural law" ideas that many of the Constitution's framers took for granted but also the lessons drawn from thinking about the Constitution and its presuppositions and from the history of struggle to make it real.

Rather than a straightforward statement of what the government may or may not do, the Constitution should be seen as part of an extended conversation with history, the people and the global community. To understand what's being said, you can't listen to one party alone but instead must pay attention to the entire colloquy.

Tribe's ideas appear to coincide with the notion of a "living Constitution," which has been an article of liberal faith since at least the 1930s. This is the concept that the Constitution is not the dead hand of the past holding the people back but an instrument of democratic self-government enabling them to stride forward in full confidence to meet the problems of the day. If so, then the invisible Constitution is the Holy Spirit, so to speak, that gives the written Constitution the breath of life.

It's a comforting thought, certainly. But there is a problem here—in fact, a slew of them. One has to do with the very idea of an invisible Constitution: since it is invisible, no one can be certain of what it contains. Peering closely, Tribe claims to discern the outlines of a plank favoring the rule of law and another in support of government of, by and for the people (which is strange, since the two ideas are very different). But John Yoo, the University of California, Berkeley, law professor who wrote the notorious Justice Department "torture memos," might just as easily see a plank allowing the government to employ "enhanced interrogation techniques" to protect its citizens. So who's to say who is right?

Another problem relates to the sheer murkiness of the concept. Remarkably, Tribe never makes it clear whether the invisible

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Constitution is something that actually exists, a useful thought experiment or simply an elaborate literary conceit. It's not even clear whether Tribe is sure. Yet another problem has to do with the related issue of transparency, the modern democratic principle that if citizens are to participate in their government, they should at least be able to see how it works. But Tribe's concept of an invisible Constitution assumes the opposite: the Constitution is indecipherable and hence opaque, and only those deeply versed in constitutional history can begin to make sense of it. Instead of government of, by and for the people, this is government of, by and for a mandarin elite.

Finally, and most fundamentally, there is the question of whether the kind of high-level constitutional interpretation undertaken in *The Invisible Constitution* is itself coercive. Throughout his book, Tribe shows a consistent tendency to confuse the factual and the normative, to ignore the difference between "is" and "ought." Listing some of the burning issues of the day—"Can you lose your job with the city government for advocating the decriminalization of marijuana? Can you be prosecuted for having oral sex at home with your girlfriend or boyfriend?"—he declares, "We all look to the Constitution for the answers to such questions." But *do* we look to the Constitution, or *should* we? The Constitution, he adds, "is about as final at any given point in our history as anything in our country ever gets." But once again, *is* it final, or *should* it be? Considering the document's central role in our lives, "everyone should be concerned not just with the latest judicial rulings *about* the Constitution's meaning but with the *Constitution itself*." Perhaps, but what Tribe doesn't address in this statement is why we should be concerned. Is it because "the supreme law of the land" says so? If so, are we in violation if we are supremely indifferent?

This is not mere nit-picking. Obliterating the distinction between "is" and "ought" is a standard conservative technique, the purpose of which is to stifle the thought that existing institutions might change. The way things are is the way they ought to be, and anyone who says otherwise is foolish and impractical. Since existing institutions are static and immovable, the Constitution, the biggest such institution in its class, must be the most unyielding of all. All we can do is adapt ourselves to its vagaries.

Tribe's proposition that the Constitution is indecipherable on its own is a remarkable confession for one of the country's most prominent constitutional scholars—and certainly its most prominent liberal constitutional scholar—to make. It suggests that a crisis of faith is under way at the highest levels of the legal academy, which is all to the good. But it never occurs to Tribe that the appropriate response to an indecipherable Constitution is not to mystify it further but simply to fix it. After all, if an editor cannot understand a particularly convoluted bit of prose, he will ask the author to revise it. If the people cannot understand an "intertemporal collage" filled with "conflicts, gaps, or inconsistencies," they should order a rewrite as well. The fact that such a step is never contemplated in public shows the stillborn nature of popular sovereignty. The people still have a role to play in the constitutional process, but in charge they are not.

If the people are not in charge, it's unclear who is. Tribe's statement about a "visible Constitution necessarily float[ing] in a vast and deep…ocean of ideas" deserves closer scrutiny in this regard. In essence, what this patch of ornate prose describes is a feedback loop in which "the Constitution as a whole puts us in a position to glimpse" certain "ideas, propositions, recovered memories, and imagined experiences" that are then used to nurture "the living body of governing law" as part of a "struggle to make it real." Rather than glimpsing ideas and propositions under our own power, in other words, we see only those that the Constitution wants us to see. We do so not to improve our lot but to enable a "living body of governing law" (which is to say the Constitution) to improve its lot by becoming more "real." Whereas the Preamble describes the Constitution as an instrument the people use to establish justice and ensure domestic tranquillity, Tribe describes the people as an instrument that the Constitution uses for its own self-aggrandizement.

Not that he necessarily sees anything troubling in this situation. Quoting Roscoe Pound (an associate of Felix Frankfurter) to the effect that "civilization involves subjection of force to reason, and the agency of this subjection is law," Tribe plainly sees law as encapsulating the highest aspirations of the people. The rule of law is thus the rule of reason, and a society is civilized exactly to the degree that it is law-abiding. But this makes sense only if the law is reasonable and civilized. If it's not, then the rule of law becomes just as absurd as any other form of tyranny and just as destructive to society. Indeed, there is no better proof of this principle than the Constitution, which grows longer and more impenetrable the more the democracy beneath it disintegrates.

Two recent incidents show what can happen when law escapes the control of the governed. *The Invisible Constitution* discusses the first—the ratification of the Twenty-seventh Amendment in 1992—in some detail because it represents the sort of constitutional conundrum that law professors love. The amendment consists of just twenty-four words: "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened." In other words, while members of Congress can vote themselves a raise, they must face the voters in the next election before it goes into effect.

By accepting *Bush v. Gore*, Tribe was being more constitutional than the Constitution.

Since nothing in the amendment has stopped members of Congress from receiving their annual COLA increase, it would seem to be a harmless bit of populist puffery. Nonetheless, its ratification process should have set alarm bells ringing. The reason is that the amendment was written more than two centuries earlier by none other than James Madison as part of the original Bill of Rights. But after clearing a two-thirds vote in each house, it failed to win the support of three-fourths of the states and disappeared from view. It resurfaced in 1873 when the Ohio State Legislature ratified it out of the blue, and vanished again. But in the early 1980s, an eager student in Texas named Gregory Watson came across it while researching a college paper and began sending out letters to the various state capitals. The amendment struck a chord with right-wingers seeking to hamstring the legislative branch, and state ratification votes slowly began to accumulate—Maine in 1983, Colorado in 1984 and so on. Finally, Michigan put it over the edge in 1992 by becoming the thirty-eighth state to ratify it.

The process was grossly unrepresentative. Because Michigan had a population at the time of just 9.3 million, fewer than one American in twenty-five had an opportunity to vote via his or her state representatives on what, for all intents and purposes, was to become an indelible part of the Constitution. Even if we include four other states that voted during the previous twenty-four months—Florida, North Dakota, Missouri and Alabama—it still means that fewer than

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one person in seven had a chance to deliberate, however indirectly, in a reasonably timely fashion.

Votes across a span of two centuries were lumped together as if they had all taken place in a single day. Instead of deliberating together, Americans deliberated apart in entirely different historical epochs. Yet rather than asking where this nonsensical process was leading, the House and Senate bowed to the inevitable and voted to accept the ratification by votes of 414–3 and 99–0, respectively. What's the use of arguing when the law is in control? Although Tribe states in *The Invisible Constitution* that the legal professoriat continues to debate the validity of the Twenty-seventh Amendment, he adds that "nothing in the text of the Constitution tells us which of our views is the correct one." Until the Constitution tells us, we will never know.

The second recent instance of constitutional breakdown is the ruling in *Bush v. Gore*. Although Tribe subsequently described the ruling as "indefensible" and "not just wrong but *unbearably so*," his statement at the time that Gore should "not undertake to be less than complete and gracious in his acceptance of this result" represented surrender to the judiciary of the most humiliating sort. Indeed, what made Tribe's deference to the Court even more abject is that the Twelfth Amendment provides a clear alternative: in the event that neither presidential candidate emerges with a clear majority in the Electoral College, "the House of Representatives shall choose immediately, by ballot, the President." This process was made famous by Michael Moore's *Fahrenheit 9/11*, with its opening shots of black Congressmen rising one by one to call for the rejection of the Florida results, only to be gaveled down by Al Gore, the object of their solicitude, in his final days as Senate president. Rather than gird for war, which is what rejecting the Florida results and throwing the election into the House would have meant, Tribe and his client preferred to let the Supremes go unchallenged.

They thus carved out a position for themselves that was more constitutional than the Constitution. Democracy was rebuked, but the rule of law was rendered more inviolate than ever. Clearly, Tribe is onto something with his concept of an invisible Constitution that shapes how the written document is read and understood. But he is wrong about its purpose. Its true purpose is to ensure that an intractable, undemocratic Constitution is perceived as a charter of liberty. The goal of the invisible Constitution is to render the visible Constitution, in all its premodern glory, invisible as well. ■

DENIS SINYAKOV/REUTERS

Russian dolls for sale in Moscow

From Gorbachev to Putin

by ROBERT V. DANIELS

There is wide agreement, at least outside Russia, that the promise of democratic reform for that long-suffering country, raised by Mikhail Gorbachev in the 1980s, got derailed somewhere along the line. But there is wide disagreement about when this mishap occurred, and about who, if anyone, was responsible. Most common is the belief that Gorbachev faltered and that Boris Yeltsin won power in 1991 as the champion of true democratization, only to see his democratic efforts undone by Vladimir Putin after he assumed the Russian presidency in 2000. This is the interpretation ably argued by Timothy Colton, director of Harvard's Davis Center for Russian and Eurasian Studies (formerly the Russian Research Center), in his new biography of Yeltsin. Colton has been working for years on his exhaustive life of Yeltsin, marshaling every available source as well as innumerable interviews that he conducted in Russia with every significant political player, including Yeltsin himself. The resulting volume is authoritative, readable and intriguing, though not beyond argument.

Colton's presentation nevertheless leaves unanswered several puzzling questions: why did Yeltsin select a man like Putin as his successor, and how was Putin able to dismantle Yeltsin's putative democracy? One answer is that the high-water mark of democratization had already been reached

Robert V. Daniels, professor emeritus of history at the University of Vermont, is the author, most recently, of The Rise and Fall of Communism in Russia *(Yale).*

Yeltsin
A Life.
By Timothy J. Colton.
Basic. 616 pp. $35.

Russia—Lost in Transition
The Yeltsin and Putin Legacies.
By Lilia Shevtsova.
Carnegie Endowment for International Peace. 368 pp. Paper $19.95.

Collapse of an Empire
Lessons for Modern Russia.
By Yegor Gaidar.
Brookings Institution. 332 pp. $29.95.

Petrostate
Putin, Power, and the New Russia.
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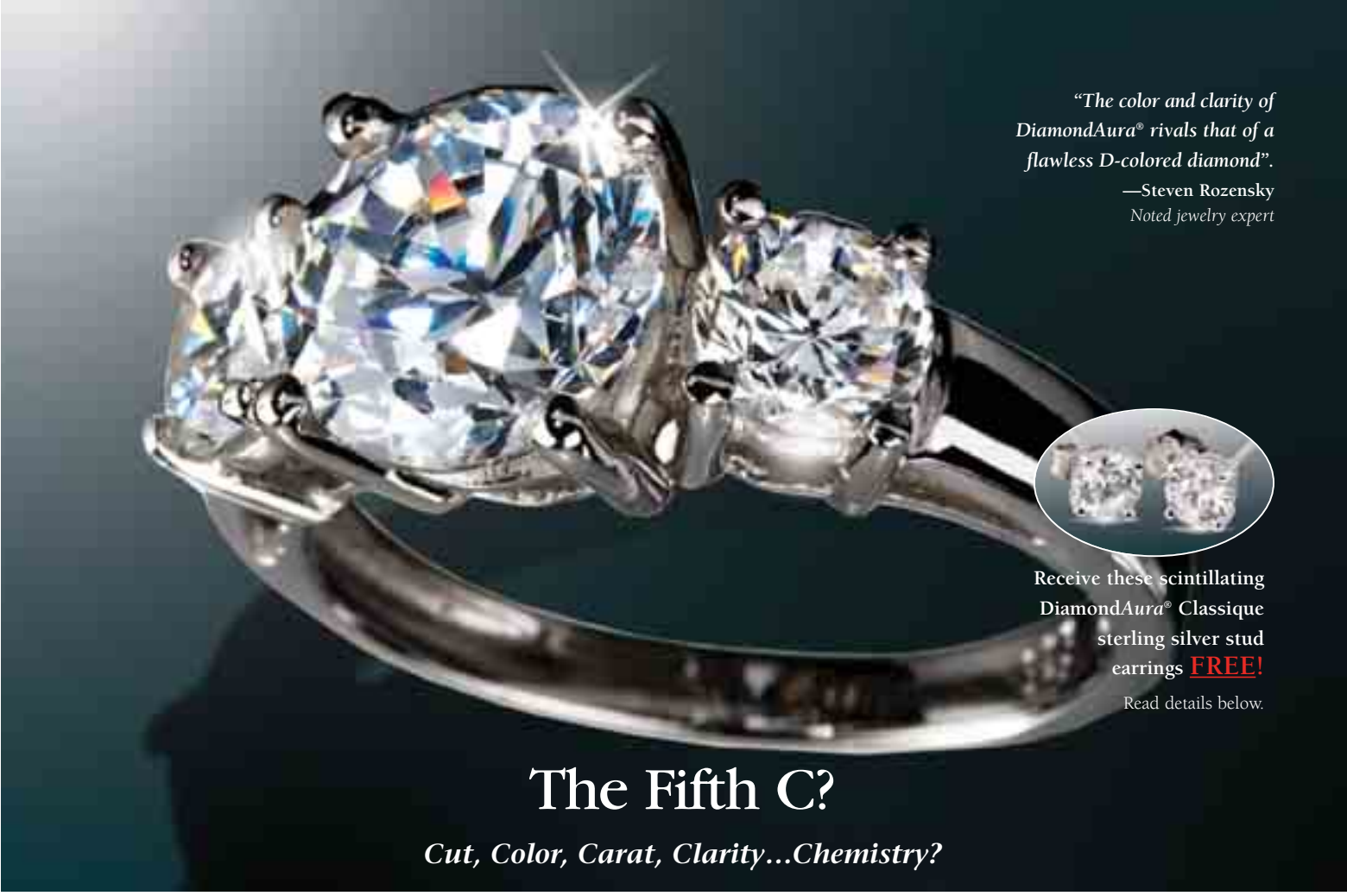

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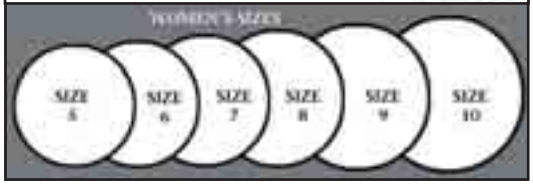

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under Gorbachev and that Russia's prospects for democracy were reversed under Yeltsin as he and his entourage strove to consolidate their power. In this light, the choice of Putin was a natural one, and the new president merely followed the course set during the tumultuous years of his predecessor. This view is vigorously advocated by Lilia Shevtsova, a Russian associate of the Carnegie Endowment for International Peace, in her new book *Russia—Lost in Transition*, and it's the view I find most persuasive. Under Gorbachev, Russia had an opportunity to take the social-democratic path of Western Europe; today, it is neither "social" nor "democratic."

When Gorbachev won the Politburo's designation as general secretary in 1985, he thought he could sweep away the evils of Stalinism by rekindling the original spirit of the Russian Revolution—the October Revolution, that is, the radical phase of the revolution, with its "socialist choice" to end domination by the landlords and capitalists and defend the welfare of the people. Starting with perestroika (restructuring) and glasnost (transparency), Gorbachev ended up eradicating not only Stalinist tyranny and bureaucracy but also the Leninist party dictatorship and Marxist ideology ushered in by that same October Revolution. Unfortunately, his democratizing reforms unleashed the centrifugal force of nationalism within the Soviet—that is, Russian—empire as well as the bottled-up greed of the officials, who used perestroika to convert the state enterprises they controlled into private property. Enter here the hardline plotters of August 1991, who put Gorbachev under house arrest in the hope of saving the union of Soviet republics. That was when Yeltsin, by this time president of the largest constituent part of the USSR, the Russian Federation, stood on a tank in Moscow in front of his headquarters in the White House—seat of the Russian Parliament, the Supreme Soviet of the republic—to shout defiance of the coup, thereby assuring its collapse.

Maybe Gorbachev's reform project was doomed from the outset, given the economic difficulties and ethnic-minority grievances in the Soviet Union that he inherited. Maybe, as so many people have argued in hindsight, the Communist system could not be reformed and could only be demolished by revolution. Not surprisingly, this is the opinion of Yeltsin's chief demolition expert, Yegor Gaidar, in *Collapse of an Empire*. When Gorbachev defanged the Communist Party bureaucracy and abolished central planning, he liquidated the machinery that had driven the Soviet economy without putting anything in its place. Russian economists who had been imbibing Western theory in their spare time wanted to install a free-market system, though neither they nor their Western mentors kept in mind that modern market institutions had developed over many generations. Among the utopians pushing shock therapy, Gaidar stood out: he was a clever young Communist Party intellectual and economics writer for *Pravda* who converted from orthodox Marxism to orthodox Milton Friedmanism, hitched his fortunes to Yeltsin and found himself acting prime minister of Russia upon Yeltsin's liquidation of the Union (while Yeltsin kept for himself the nominal titles of prime minister and president). Gaidar argues in *Collapse of an Empire* that the USSR suffered the same ethnic fissures as the old Russian empire and that those cracks deepened as economic troubles worsened. The dissolution of the Union was inevitable; the only question was whether it would be Yeltsin's way or "the Yugoslav tragedy."

We all know that Yeltsin's way won out. This was an epochal triumph for democracy in Russia, Colton contends, despite Yeltsin's quirks of personality. Acting on "intuition, not a panoramic master plan," in the months leading up to the 1991 crisis, "Yeltsin made fateful decisions that put his society on a much more promising road than it had been on since 1917." Colton's Yeltsin is charismatic and willful and not above bending the law when it suits his purposes. He thrives on action and intrigue; he is mercurial but depressive, even suicidal at times, after victories as well as setbacks. Curiously, he felt compelled to publicize these mood swings in his memoirs, whether in his own words or in those of his ghost writer, Valentin Yumashev. And after he resigned he acknowledged that alcoholism had marred his presidency.

Colton's portrait of Yeltsin is supported by the exiled political dissident Vladimir Bukovsky, who after first seeing Yeltsin on TV found him to be a "typical Bolshevik, a Bolshevik straight out of central casting. Stubborn, overbearing, self-assured, honest, irresistible, a human engine without brakes." The first President Bush, Colton writes, thought Yeltsin "a wild man." It was not out of character for him to gamble on his political future as he did with the April 1993 referendum, which, though it was only a nonbinding vote to approve his economic policies, he exploited to crush his parliamentary opponents. When in the fall of 1993 the opposition defied his unconstitutional dissolution of the Russian Supreme Soviet, he ordered tanks to shell the White House—the same building he had defended two years earlier. Gorbachev pales in comparison. He was too moderate as a leader: he was not a real "Bolshevik."

Yeltsin was initially uncomfortable with the idea of dissolving the Soviet Union, thinking he might prefer to head it, although he didn't like the implication that he would merely be taking Gorbachev's place. Faced with declarations of independence by a series of Soviet republics culminating with Ukraine (the biggest republic apart from the Russian Federation), Yeltsin changed his

New England

In New England the equipmental quality
of equipment was discovered, the
cleaning lady was deported, ants invade
the attic and this is sad.

There is no Bronx River Expressway
there are single beds and shutters and
rafters and a flash of lightning in the sky.

There are thoughts like Old World, New World,
Bank Vault and Whale.

Happiness is a battering ram of one if by land
two if by tiptoe, three if by a haunted house
intrepid in its scholars, o'wearied in its deep.

LISA JARNOT

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mind, apparently on the advice of his entourage. When Stanislav Shushkevich, the leader of Belarus, invited Yeltsin and Ukrainian President Leonid Kravchuk to meet in his forest preserve for a little "hunting," the Belovezhsk Declaration was born—a "coup d'état," according to Shevtsova, that put an end to the Soviet Union and with it Gorbachev's presidency.

Building on her analysis in *Yeltsin's Russia: Myths and Reality* (1999) and *Putin's Russia* (2005), Shevtsova argues that in the post-Communist era, Russia has turned away from democratic reform and moved relentlessly back toward its old authoritarian and centralist traditions. Gorbachev, though well intentioned, was not strong enough to overcome the dead weight of Russia's authoritarian past. Yeltsin, like Putin, was most interested in his own power, and by his peremptory actions abetted the nation's backsliding into authoritarianism. Putin merely pushed the devolution to its logical conclusion of "electoral monarchy" and "bureaucratic capitalism."

Yeltsin, I would say, was a man animated more by personal rancor than by any coherent ideology. He was happy to exploit the fires of nationalism and greed to destroy Gorbachev, and with him Russia's nascent social-democratic experiment. He was addicted to insulting people and bossing them around (a habit naturally cultivated in his early career in the Communist Party apparatus). And he was jealous of any popular subordinate, a weakness that prompted the abrupt dismissal of Yevgeny Primakov, a wily, seasoned ex-spy and arguably the best of Yeltsin's five prime ministers. Primakov's departure in the spring of 1999 opened the way for the unassuming Putin later. That was typical: Yeltsin used and discarded subordinates without a second thought. Meanwhile, old Soviet officials gladly supported him while they grabbed public assets—anything from retail shops to the oil industry—and transformed themselves into capitalists while inflation was decimating the incomes and savings of ordinary people.

Yeltsin was probably jealous of Gorbachev from the moment he arrived in Moscow in 1985 to become the city's party boss. The vindictive alcoholic with a penchant for humiliating his subordinates in the name of reform quickly got in trouble with party conservatives. Colton is the rare observer to spot the exact origin of Yeltsin's implacable vendetta against Gorbachev. It was in June 1987, when the unease of party-liners in the Politburo prompted Gorbachev to pass over Yeltsin for the promotion to full member of the Politburo, a position traditionally bestowed on the Moscow party secretary. The break became irreparable in the fall of that year, when Gorbachev publicly denounced Yeltsin and demoted him to be a mere deputy minister (in his old specialty of construction).

At this point Yeltsin declared for the democratic reform movement, but as it turned out he did so only because he found it a convenient platform for fighting Gorbachev. Once in power he had no reservations about putting down the coequal legislative branch of government or waging war against the obstreperous Chechen nationalists in the mountains of the Caucasus. He broke the Soviet Union apart in December 1991 to nullify Gorbachev's presidency. As Russian president, Yeltsin pushed through the worst kind of capitalistic shock therapy to repudiate whatever he thought Gorbachev and the Communist Party had stood for. To this end, with the free-marketeer Gaidar as his acting prime minister, he abruptly decontrolled prices, currency exchange and imports of foreign-made consumer goods and food products; but like his predecessor he failed to replace the old protections for Russian workers. The result was the worst peacetime economic depression any country has suffered in modern history and the fatal rift between Yeltsin and the Russian Parliament in 1993. By the time of Yeltsin's re-election campaign in 1996, he had foisted on the country a constitution similar to the czarist setup of 1905–17, with imperial powers for the president and even the old name Duma for the new, toothless Parliament. However, these moves met with little resistance; by this time, most Russians were yearning for the sort of stability that they eventually gained under Putin.

About Yeltsin's progressive mental and physical deterioration Colton has little to say. The severity of Yeltsin's incapacitation was noted in an incident (not mentioned by Colton) at the nadir of the country's financial meltdown, in August 1998, when the president was visiting an electronics factory in Novgorod. Wrote journalist Andrei Riskin, "Reporters…got the impression that he didn't understand what kind of crisis the country was in." Said another, Yelena Dikun, "Observing him in person was thoroughly unnerving.… First he was sluggish and distracted, then he would start excitedly gesticulating, making expressive faces and getting angry for no apparent reason, and after that he'd retreat back into his shell."

Colton regards Yeltsin's selection of Putin to be his successor as the biggest puzzle of his career, undoing much of what he pre-

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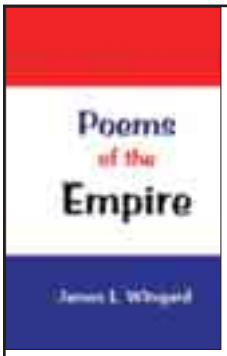

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sumably stood for: "Yeltsin's vaunted intuition let him down." Yet this is not such a puzzle if one puts aside assumptions about Yeltsin's embrace of democratic principles and examines the Putin appointment in the context of Russia's political journey through the 1990s and Yeltsin's precarious mental state at the decade's end. Putin was just one in the parade of prime ministers passing through the revolving door of Yeltsin's government in 1998–99 as the ailing but rancorous president fired one after another. The cycle happened to stop with Putin because, as Shevtsova believes, the "Family" (Yeltsin's strong-minded daughter Tatiana Dyachenko and her cronies, including her new husband-to-be, Yumashev, and the media tycoon Boris Berezovsky), seeing that the end was nigh, settled on him as their protector against possible prosecution for corruption.

Shevtsova has no trouble characterizing the Yeltsin-Putin handoff: it was just a move from a clumsy authoritarianism to a sharper one. Putin's accession, she writes, meant "the end of Russia's hope for democracy." But she adds, in a bit of hyperbole, "The first and possibly fatal blow to these hopes was dealt…not as many suppose by ex-KGB Lieutenant Colonel Putin. They were destroyed by Yeltsin and his entourage when they abolished free elections." Under both leaders the "political class" has been more interested in protecting its power than in advancing democracy. Prosperity based on the export of oil and gas, Shevtsova warns, is transitory, while the freedom achieved under Gorbachev has become more and more illusory. Every step the post-Soviet leadership has taken toward political and economic reform has been undone by that same leadership.

Given the nature of Yeltsin's personality and the circumstances of his departure from office, it is easy to see why the transition to Putin was neither an abrupt change of course nor a carefully orchestrated coronation. Yeltsin's impulses steered him onto the road back to authoritarian capitalism instead of ahead to social democracy. Putin just happened to be of a mind to pursue that direction more effectively. As Shevtsova explains, Putin's difference from Yeltsin appealed to most Russians: Putin was consis-

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Former Russian President Boris Yeltsin and President Vladimir Putin in Moscow in 2006

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tent, stern, steady, a leader who brought "certainty" to a country constantly thrown off balance by Yeltsin's erratic behavior. Paradoxically, the popular Putin is a distinctly un-Russian type. Contrasting as it does with the quintessential Russianness of Yeltsin's passion and impulsiveness, Putin's abstemious self-discipline actually reminds me of an earlier powerful Vladimir. Like Lenin, Putin had a vision, in his case to restore the imperial greatness of Russia. Whatever the merits and faults of his leadership, in his eight years as president Putin provided Russia with more stability than the country had enjoyed ever since Leonid Brezhnev, maybe even since the tough-fisted reign of Czar Alexander III in the 1880s and '90s. The recent election of Dmitri Medvedev as president, with Putin as his prime minister, shows little sign so far of rocking the ship of state.

Is Putin's Russia a threat to the West in general or to US interests in particular? Certainly it's less of a menace than it was in the form of the Soviet Union, with its inner band of Soviet republics and outer band of satellite governments. Having lost its empire and with its conventional military, until its recent foray into Georgia, thought to be a shambles, Russia has seemed to possess only two real elements of power, its nuclear weapons and its energy exports, and only the latter is a usable instrument of policy.

Marshall Goldman, a retired professor of economics at Wellesley College and former associate director of Harvard's Davis Center, has tracked the Russian economic system's transformations since Stalin's time. In *Petrostate*, he treats petroleum as the key to Russian power, devoting the first half of his brief and very readable book to a fast-paced history of oil in Russia's economic growth from the mid-nineteenth century to the end of the twentieth. Goldman's approach to Putin is summed up in a chapter title: "Putin Takes Over: The Return of the Czar." Putin's overriding goal—conveniently aided by the surge in world oil and gas prices—was to restore the economic power of the state that Gorbachev had shaken and Yeltsin had torn apart. Big firms in the energy and mineral sectors that Yeltsin had privatized became "national champions" to be renationalized by majority stock ownership or, when necessary, by pure intimidation, as when Putin imprisoned Mikhail Khodorkovsky, the CEO of the oil giant Yukos, in 2003 and seized his company. Such intervention put the energy sector, and above all the 51 percent state-owned natural gas monopoly, Gazprom, at the disposal of the state as a source of bountiful revenue and an instrument of foreign policy. Thanks to these maneuvers, writes Goldman, "Russia is in a stronger position relative to Western Europe than it has ever been in its history." No deterrent offsets the West's dependence on Russian gas supplies. Already, some European countries appear reluctant to buck Russia on such issues as Moscow's opposition to the extension of NATO to Ukraine and Georgia.

A more alarmist picture of Russia's strength comes from Edward Lucas, longtime Eastern Europe and Moscow correspondent for *The Economist*. Lucas is no admirer of the Yeltsin epoch in Russia, and he is starkly realistic about Russia's continuing trend under Putin toward a "new tsarism." He dismisses more nuanced views as "the West's unwillingness to admit what is happening," blaming this on the influence of the oligarchy, a "powerful fifth column of a kind unseen during the last Cold War."

Putin's accession to power, according to Lucas's *The New Cold War*, was a "cynical putsch" by the Family and the secret police. He accepts the theory that the deadly

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terrorist apartment bombings in Moscow in August and September 1999, blamed on Chechen separatists, were actually arranged by Russian authorities to scare the public into rallying behind the new prime minister and future president. Putin's role model, in the Lucas version, was the disciplinarian KGB chief and Brezhnev successor Yuri Andropov. But Lucas is disturbed above all by Russia's newly assertive international role: "Repression at home is matched by aggression abroad" (as Georgia has just learned, even if its military actions in South Ossetia may have been provocative).

Not that the new cold war is anything like the original one: Russia is finished as a military power. Perhaps a premature judgment—but to his point: "Instead of menacing the other side with high explosives, hardened steel, and enriched uranium," Lucas observes, "the New Cold War is fought with cash, natural resources, diplomacy, and propaganda." One would think this a welcome leap toward normal relations among states. But no. There are "battle lines" drawn as Russia attempts to regain influence by new means in its old sphere and even threatens to dominate Western Europe. Putin has figured out how to exploit the West's ultimate vulnerability: its greed. "Money remains the West's greatest weakness," Lucas laments.

Is Lucas, then, an unbridled alarmist? Are the rest of us fooling ourselves, either with the illusion that Russia has changed its ways forever or with the assumption that it is too weak to do anybody any harm? In either case, says Lucas, "complacency is much more comfortable than vigilance." Russia's incursion into Georgia has abruptly energized his case.

Given Russia's discouraging return to the worst of its prerevolutionary past, both domestically and internationally, how might the West react? The books before us do not offer much guidance, except when Goldman and Lucas plead that the West must somehow shake its dependence on Russian energy supplies. Actually, in the 1990s the West had two contradictory strategies toward Russia: integration and isolation. It has talked a good game about integrating Russia into the democratic world, but in practice it has been moving to isolate it ever since 1990, when East Germany, finally freed from Communist rule, was not only incorporated into the Federal Republic but also into the military compass of NATO. So much for American assurances to Gorbachev that no such advantage would be taken of a Soviet pullback. Since then, the successive waves of NATO expansion into the former Soviet sphere and then into actual Soviet territory, widely hailed as the end of the East-West division of Europe, have only sharpened the dividing line while pushing it eastward. All the while, Westerners charge "aggression" when the Russians try to hang on to any sort of influence in their old realm.

All this has played into the hands of Russian xenophobes, bolstering their conviction that the outside world aims to encircle Russia and strangle it to death. No one should be surprised that the reflex of nationalistic authoritarianism among politicians and the people has become correspondingly stronger. There is a disturbing parallel here with pre-Hitler Germany, another case of a defeated nation licking its wounds and feeling sorry for itself.

Shevtsova is alone among the writers under review in facing up to the responsibility of the West in this dangerous situation. She laments the West's failure to appreciate the potential of democratic reform under Gorbachev and chastises it for overlooking Yeltsin's betrayal of democracy so long as he appeared to be dismantling Communism and opening Russia to the world economy. Sadly, I would add, in the chorus of Western kudos for Yeltsin-style reform, the social-democratic parties in Europe and liberal elements in the United States (this magazine notably excepted) failed to sound much of a contrary voice, perhaps because they were still shellshocked at home by Thatcherism and Reaganism.

Lucas faults the West in a different way, for failing to recognize Russia's reversion to type and, in the pursuit of economic bounty, letting the country recover its old power on the new basis of money instead of arms. Goldman quietly concurs with Lucas: thanks to its appetite for gas and oil, the West has accorded Russia "unchecked powers and influence that in a real sense exceed the military power and influence it had in the Cold War." Gaidar is less alarmist: at worst, Russia suffers from "soft authoritarianism," while its reliance on its energy bonanza means weakness, not strength. Goldman concurs in that judgment regarding the long term, when the country's energy reserves will be depleted.

Though Putin has now moved from the presidency to the prime minister's chair, times have not really changed. Russia is still driven more by great-power nostalgia and a longing for internal stability than by any attraction to Western-style reform. It dreams of imperial revival, not global cooperation. So there is little reason to expect great improvement in relations between Russia and the West in the foreseeable future. ■

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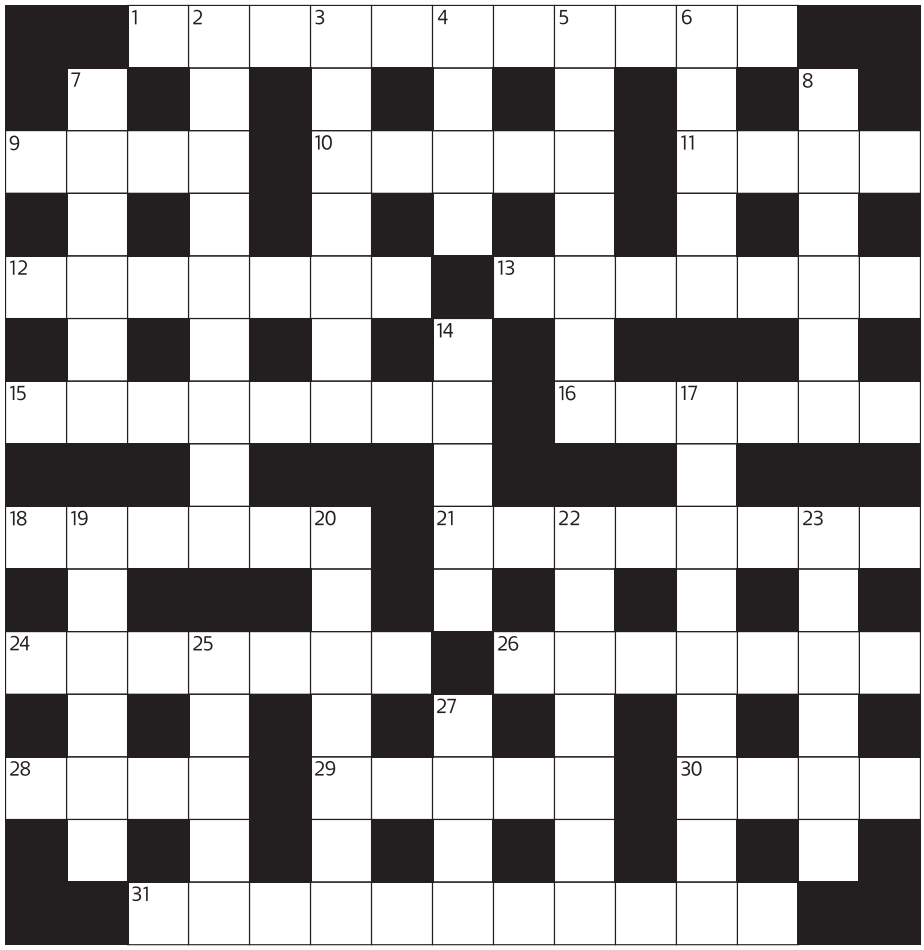

ACROSS

1 Change the action, if you want to get into an argument. (11)

9 See 6 down

10 and **11** Spring nut? It's a tricky phrase! (5,4)

12 Without feeling, you get to phone nothing to you and me. (7)

13 A manner of carrying this. (7)

15 Supposedly pleasing when only man is vile. (8)

16 Various way to hang things out in the daylight. (6)

18 Places to get a rubdown with a little writing? They should convulse you! (6)

21 A regular go-getter, but you wouldn't want to make a touch with it. (4-4)

24 Get too big for overcoats, galoshes, and such? (7)

26 Used to announce that person is about to put a message on the channel. You get a wave with it! (7)

28 An animal that sounds naked. (4)

29 I'd get out of a Southern state, just to see the pretty things. (5)

30 How to hold part of the castle. (4)

31 Set to be hot or cold. (11)

DOWN

2 Certainly not a 9, being true, but sits awkwardly at last. (9)

3 Time certainly gets rubbed out with it! (7)

4 and **14** Might have ears, but things that hurt your feet speak for themselves! (9)

5 Workers in the field that steer things. (7)

6 and **9** across Give something to one on the right when they pass the plate. (9)

7 A very snappy tune, but not much sense in it. (3,3)

8 Where some hope to find prosperity—just around it. (6)

14 See 4

17 Not the old store where the Brits can bet on things. (9)

19 Made a face to keep out education, in part. (6)

20 One on the workforce has a pole, being concerned with a raise. (7)

22 Green, and mixed up with green outside. (7)

23 Danced, but almost fell over. (6)

25 A wild throw, but has some value. (5)

27 River to look at the game here? This guy really got around! (4)

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Population, Immigration And The Foreseeable Limits Of America's Capacity: A Conundrum Of Epic Proportions For The Progressive Thinker.

As America's population races from the current 300 million to a projected 400 million in the next 30 years*, progressive thinkers are confronted with a debate among themselves – and others – as to our nation's capacity to absorb domestic population growth and growth due almost entirely to immigration. What price will we pay in terms of the environment? What will be the impact on resources from water to energy? What additional challenges will be created by this growth? What is our responsibility to future generations?

The Dots That Nobody Really Wants To Connect

People of virtually all major political persuasions agree that America has problems—huge problems. Air quality in many regions is a threat to health. Water is compromised and becoming scarce. Traffic in a number of metropolitan areas has arrived at a point that makes it unfixable. Infrastructure is a disaster waiting to happen. Who can argue with those observations? The disagreement arises when anyone makes the point that all of these problems are caused by a large and fast-growing population. The more people there are, the more challenging the problems become. These problems are acute with our population at the current level of 300 million. What happens at 400 million? Or 600 million?

The Misconception Of Inevitability

One prevailing thought for those willing to connect the dots is that meteoric population growth is inevitable. The pyramid is being built and there is nothing we can do about it. Population growth is destined to be exponential. But the reality is that Americans are having fewer children. The other reality is that 82%** of America's future population growth will be driven by immigration and births to immigrants. While immigration at some level will surely continue, there is a case to be made for taking another look at the numbers in order to maintain some order and common sense in the growth of our population.

At Some Point, We May Have To Make A Choice

We want it all. We want a clean environment, adequate natural resources, good housing, plenty of food, first-rate healthcare and so on. We also feel a need to welcome the world to our front door, or in millions of cases, our back door. But America is rapidly approaching the point of no return. Either we opt for preserving the quality of life that has attracted so many millions in the past by limiting some in the future. Or we continue to accept millions, knowing that our children and grandchildren will continue to pay a huge price.

Nobody wants to close the doors. Nobody wants to totally abandon our heritage of immigration and rich tapestry it has woven. But with more sensible numbers we could actually restore it. More and more progressive thinkers are saying it is time to connect the dots. To think about the future. To solve the conundrum that is placing so many like-minded thinkers in conflict.

America's Leadership Team for Long Range Population-Immigration-Resource Planning

300 million people today, 400 million in just 30 years. Think about it.

American Immigration Control Foundation	Californians for Population Stabilization	Federation for American Immigration Reform	NumbersUSA	Social Contract Press
www.aicfoundation.com	**www.capsweb.org**	**www.fairus.org**	**www.numbersusa.org**	**www.thesocialcontract.com**

*Based on U.S. Census Bureau projections, 2008
**Pew Hispanic Center

Paid for by America's Leadership Team for Long Range Population-Immigration-Resource Planning

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"Whatever shall I do?"

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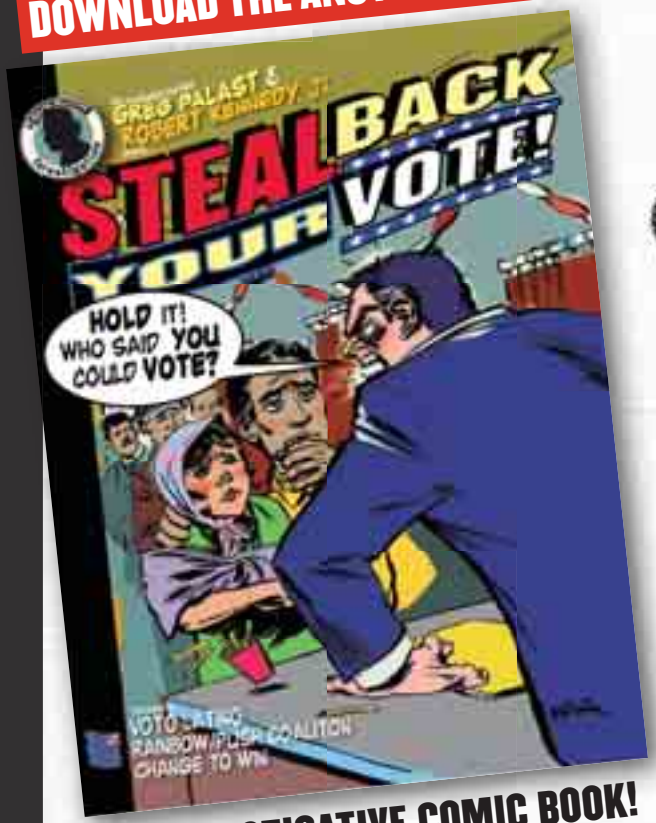

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The StealBackYourVote.org investigation is funded by The Nation Institute and sponsored by Voto Latino, Rainbow/PUSH Coalition and ChangeToWin.

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